

*United States International Trade Commission*

**1990**

*Annual Report*

**UNITED STATES INTERNATIONAL  
TRADE COMMISSION  
ANNUAL REPORT  
1990**



**Commissioners:**

Anne E. Brundale, Vice Chairman and Acting Chairman  
Seeley G. Lodwick  
David B. Rohr  
Don E. Newquist

## CONTENTS

The Commission.....	4
Summary of Investigations Completed .....	4
Message From the Office of the Chairman.....	5
The Commissioners.....	6
Introduction.....	8
Part I. Highlights .....	9
Investigations Under Section 337 of the Tariff Act of 1930 .....	9
Investigations Under Title VII of the Tariff Act of 1930 .....	9
Investigations Under the Trade Act of 1974 .....	10
Investigations Under the Agricultural Adjustment Act of 1933.....	10
Investigations Under Section 332 of the Tariff Act of 1930 .....	10
Studies Relating to Probable Effects Advice for the Uruguay Round of Multilateral Trade Negotiations .....	10
Studies Analyzing Various Aspects of U.S. Free-Trade Agreements and Other Special Trade Programs .....	10
Studies Analyzing the Competitiveness of U.S. Industry .....	12
Studies on Special Areas of Congressional Interest.....	13
Part II. Organizational Activities .....	18
Office of Operations .....	18
Office of Investigations .....	18
Office of Industries.....	19
Office of Economics .....	21
Office of Tariff Affairs and Trade Agreements .....	23
Office of Unfair Import Investigations .....	24
Trade Remedy Assistance Office .....	25
Office of Administration .....	26
Office of the Administrative Law Judges.....	27
Office of Congressional Liaison .....	27
Office of Inspector General .....	28
Office of the Secretary .....	28
Office of Executive and International Liaison.....	29
Office of the General Counsel.....	29
Office of Public Affairs.....	30
Part III. Management and Finance.....	31
Figures	
1. Summary of Principal Activities, Fiscal Year 1990.....	33
2. Commission Organization and Functions .....	34
3. Statutory Timetables for Antidumping and Countervailing Duty Investigations .....	36
Appendices	
A. Summary of Investigations Completed During Fiscal Year 1990 and Pending on September 30, 1990 .....	37
B. Statutes Involving the U.S. International Trade Commission .....	54
C. Reports Submitted to Congress on Proposed Legislation, Fiscal Year 1990.....	58
D. Litigation in Fiscal Year 1990 .....	68

## THE COMMISSION

The United States International Trade Commission is a quasi-judicial, independent, and bipartisan agency established by Congress with broad investigative powers on matters of trade. In its adjudicative role, the Commission makes determinations of injury and threat of injury by imports to U.S. industry. As the Government's think tank on trade, the Commission is a national resource that gathers and analyzes trade data. That information is provided to the President and Congress as part of the information on which U.S. trade policy is based.

Commission activities include—

- Making recommendations to the President regarding relief for industries seriously injured by increasing imports;

- Determining whether U.S. industries are materially injured by imports that benefit from pricing below fair value or subsidization;
- Directing actions, subject to Presidential disapproval, against unfair trade practices such as patent infringement;
- Advising the President whether agricultural imports interfere with price-support programs of the U.S. Department of Agriculture;
- Conducting studies on trade and tariff issues and monitoring import levels; and
- Participating in the development of uniform statistical data on imports, exports, and domestic production, and in the establishment of an international harmonized commodity code.

## SUMMARY OF INVESTIGATIONS COMPLETED

### Tariff Act of 1930:

Section 332 investigations .....	11
Section 337 investigations of alleged unfair practices in the import and sale of imported products .....	19
Antidumping and countervailing duty investigations (51 antidumping investigations—31 preliminary and 20 final; 4 countervailing duty—3 preliminary and 1 final).....	55

### Trade Act of 1974:

Sections 131 and 503 advice on possible trade agreements.....	3
Section 201 "escape clause" .....	1

### Agricultural Adjustment Act:

Section 22, import interference with agricultural programs.....	1
<hr/>	

Total .....	90
-------------	----

Investigations completed during FY 1990 and investigations pending on September 30, 1990, are shown in appendix A.

# MESSAGE FROM THE OFFICE OF THE CHAIRMAN



Each year the U.S. International Trade Commission is called upon to perform its various functions in new and more challenging ways. Fiscal year 1990 was no exception. On the adjudicative side, while our caseload was at its lowest level in years, the Commission decided some of the largest and most complicated cases that have ever appeared on its docket. On the research side, the Commission completed studies for Congress and the U.S. Trade Representative (USTR) on topics not previously addressed by this agency.

The Commission is perhaps best known as the agency that determines whether a domestic industry is materially injured or threatened with material injury by dumped or subsidized imports. This past year, we considered several cases of particular economic and legal significance. In *Sweaters*, *Telephone Systems*, and *Portland Cement*, the Commission rendered affirmative determinations covering \$900 million, \$400 million, and \$200 million worth of imports respectively. In *Steel Rails* and *Pork*, the Commission participated in the first appeals of its decisions to a binational panel established under the U.S.-Canada Free-Trade Agreement. Finally, the Commission heard the first cases in which petitioners, assisted by our new Trade Remedy Assistance Office, presented their cases without legal counsel.

Investigations of unfair import practices under section 337 of the Tariff Act also presented new challenges involving, for example, pharmaceuticals and a variety of integrated-circuit technologies. In addition, the Commission issued its first decision, subsequently upheld by the court of appeals, establishing the proper grounds for issuing a temporary exclusion order under the 1988 Omnibus Trade Act.

U.S. trade relations changed more in FY 1990 than in any single year in a generation. The Uruguay Round negotiations held discussions in areas like services, agriculture, and foreign investment that have not previously been addressed in a trade context. The U.S.-Canada Free-Trade Agreement took effect January 1, 1989—and 21 months later President Bush announced his intention to negotiate a free-trade agreement with Mexico. The fall of the Berlin Wall, heralding the eventual integration of Eastern Europe into the multilateral trading system, came on the heels of the ongoing integration of the European Community under the EC '92 program. Each of these events brought the Commission's expertise in economic and trade analysis to bear.

At the request of the USTR, the Commission conducted several studies in support of the Uruguay Round. A report on the barriers to trade in services provided background information for negotiations in that important sector—and prompted the Office of Industries to establish a division devoted to services and advanced technology. In agriculture, the Commission estimated the tariff equivalents of U.S. agricultural import quotas. In a related matter, at the request of the Senate Finance Committee, the Commission estimated the economic impact on the U.S. economy of significant U.S. import restraints.

In the field of bilateral relations, the Commission studied the liberalization effort in Mexico and the views of experts on a U.S.-

Mexico free-trade agreement. We also reported on the effects of accelerated tariff reductions under the U.S.-Canada agreement. And the ongoing evaluation of the impact of the EC '92 program on U.S. industry resulted in two well-received followup reports to the Commission's initial 1988 study.

In addition to its foray into important new areas of research, the Commission this past year began two innovations in its research capability. First, the Office of Economics made great strides in developing a computable general equilibrium model of the U.S. economy. This model will enable the Commission to evaluate in a comprehensive fashion the effects of changes in trade relations on various sectors of the U.S. economy. Our research staff will use the model in the final phase of the import restraints study in 1991, and interest is now being expressed in the Commission's applying the model to evaluate any agreements reached during current and future trade negotiations.

Second, the Commission's staff has revived the long-dormant idea of staff reports on topics of current interest. Last year, the Offices of Economics and the General Counsel prepared staff reports analyzing the prospects for enhanced U.S. trade with the Soviet Union and Eastern Europe from a legal, economic, and commercial perspective. These studies made timely and substantial contributions in this little-explored area.

As the Commission begins its 75th year, we can look back on the past year as a time of tremendous change and promise in the trade arena. The Commission met this test with a renewed commitment to professionalism, efficiency, and skill. We look forward with great anticipation to the challenges ahead.

  
Anne E. Brundale  
Acting Chairman

## THE COMMISSIONERS



The six Commissioners are appointed by the President and are confirmed by the Senate for terms of nine years unless appointed to fill an unexpired term. A Commissioner who has served for more than five years is not eligible for reappointment. Not more than three Commissioners may be members of the same political party. The Chairman is designated by the President and serves for a statutory two-year term. The Chairman may not be of the same political party as the preceding Chairman, nor may the President designate two Commissioners of the same political party as the Chairman and Vice Chairman.

There are currently two vacancies on the Commission.

Anne E. Brunsdale, a Republican of the District of Columbia, was appointed Vice Chairman by President Bush on June 16, 1990, for the term expiring June 16, 1992. Since then, she has served as Acting Chairman in the absence of an appointed Chairman. Previously, she had been appointed Chairman by President Bush on March 28, 1989, for the term expiring June 16, 1990. Before that she had served as Acting Chairman beginning June 27, 1988, and as Vice Chairman beginning June 16, 1986. A native of Minnesota, Ms. Brunsdale became a member of the Commission on January 3, 1986, for the term expiring June 16, 1993. She came to the Commission from the American Enterprise Institute for Public Policy Research, Washington, DC, where she was serving as resident fellow of the Institute and managing editor of its bimonthly magazine, *Regulation*.



**Seeley G. Lodwick**, a Republican of Iowa, was sworn in as a member of the Commission on August 12, 1983, for a term expiring December 16, 1991. A native of Iowa, Mr. Lodwick came to the Commission from the U.S. Department of Agriculture, where he served as Undersecretary of Agriculture for International Affairs and Commodity Programs from 1981 to 1983. He is a former Iowa State senator (1962-69) and was elected president pro tempore from 1968 to 1969. Mr. Lodwick maintains active farming interests in his home State.



**David B. Rohr**, a Democrat of Maryland, became a member of the Commission on March 27, 1984, and was subsequently reappointed to a term ending December 16, 1994. Before his appointment to the Commission, Mr. Rohr was a staff director of the Subcommittee on Trade, Committee on Ways and Means, U.S. House of Representatives. He was a trade advisor and was principal liaison with the Commission, the Office of the United States Trade Representative (USTR), and other Federal agencies. Mr. Rohr also served as Director of the Trade Negotiations and Agreements Division of the U.S. Department of Commerce. He joined Commerce in 1961 as an international economist.



**Don E. Newquist**, a Democrat of Texas, was appointed to an unexpired term on October 18, 1988, and reappointed to a nine-year term ending December 16, 1997. Prior to his appointment, Mr. Newquist was with Valero Energy Corp. as Senior Vice President for Corporate Relations. He also served as general manager of the Chamber of Commerce of Denver, CO, and before that was with the Chamber of Commerce of Corpus Christi, TX. He is past president of the South Texas Chamber of Commerce.

# INTRODUCTION

As a new decade unfolds, the role of the U.S. International Trade Commission in the important trade issues of the nineties is readily apparent and is growing in scope and complexity. Many questions with far-reaching consequences were addressed this year and will continue to require the attention of the Commission in years to come.

Mirroring the fast pace of events in 1990, the Commission was called on to perform a variety of tasks, ranging from analyzing the effect on the United States of granting most-favored-nation status to the Soviet Union to investigating the status of the liberalization of Mexican trade and investment. In addition, activities in support of the conclusion of the Uruguay Round and ongoing work concerning the effects of greater European economic integration continued to demand a large share of Commission resources. Several investigations focusing on competitiveness issues were completed, including studies on gears, steel, and durum wheat. Recently, the Commission was asked by the Senate Finance Committee to begin a multiphase investigation on advanced-technology industries.

In its adjudicative role, the Commission decided its first case establishing the grounds for granting a temporary exclusion order in a section 337 case under the Trade and Competitiveness Act of 1988. The Commission received its first remand from a United States-Canada binational panel established to hear appeals from Commission decisions and also decided the first case in which a petitioning company, assisted by the Commission's Trade Remedy Assistance Office, represented itself without legal counsel.

On the administrative side, the Commission established the Services and Electronic Technology Division within the Office of Industries, reflecting the increased importance of these topics in trade negotiations. To improve delivery of services to all parts of the Commission, the Main Library and the Office of Information Resources Management (formerly the Office of Data Systems) were transferred from the Office of Operations to the Office of Administration.

After completing her term as Chairman on June 16, 1990, Anne E. Brundale was named Vice Chairman. In the absence of an appointed Chairman, she is serving as Acting Chairman of the Commission. With the departure of two Commissioners last summer, the fiscal year ended with four sitting Commissioners.

# PART I. HIGHLIGHTS

## INVESTIGATIONS UNDER SECTION 337 OF THE TARIFF ACT OF 1930

Under section 337 of the Tariff Act of 1930, the Commission conducts investigations into alleged unfair practices in import trade. Most complaints filed under this provision involve allegations of patent, copyright, or trademark infringement. Other investigations include such matters as alleged misappropriation of trade secrets, violations of the antitrust laws, passing off, and false advertising. A more detailed explanation of section 337 of the Tariff Act of 1930 is set forth in appendix B.

During FY 1990, the Commission was confronted with a varied group of patent-based section 337 investigations, as well as investigations involving trade secrets and trademarks. A significant number of investigations involved allegations that respondents were using complainants' patented processes abroad to produce products that respondents imported into the United States. These process patent investigations included a variety of end products such as chemotherapy drugs, nonwoven fabric for disposable diapers and other personal hygiene products, devices for measuring the pressure of fluids in pipes and vessels, and polymer geogrids for use in heavy construction projects.

Two of the Commission's section 337 investigations included allegations that respondents' products infringed U.S. patents covering the overall appearance or design of a product. These investigations involved certain bathroom accessories and certain battery-operated ride-on toy vehicles. Two other investigations revolved around allegations that respondents had misappropriated the complainant's trade secrets and were using the trade secrets in manufacturing operations abroad to produce goods imported into the United States. The



products involved were aramid fiber honeycomb, which is a lightweight, high-strength structural material used in industrial, aerospace, marine, military, and recreational applications, and internal mixing devices, which are most commonly used for the breakdown or incorporation of pigments and fillers into rubber and plastic materials.

In FY 1990, as in previous years, the Commission's section 337 caseload was highlighted by investigations involving several high-technology product areas. Significant among these were investigations concerning semiconductor products, including dynamic random-access memories; static random-access memories; erasable, programmable read-only memories, and other integrated circuits. Other investigations focused upon complex industrial machinery and organic chemicals.

In FY 1990, for the first time, the Commission ruled, after a full hearing, that a complainant had violated the duty of candor owed to the Commission in filing its section 337 complaint. As a result, the Commission dismissed the complaint, terminated the investigation with prejudice, and issued a public reprimand.

## INVESTIGATIONS UNDER TITLE VII OF THE TARIFF ACT OF 1930

In FY 1990, title VII petitions were filed with the Commission on a diverse group of products, including cement (from Japan), two chemical products (benzyl paraben and sodium sulfur compounds), electromechanical digital counters, flat-panel displays, heavy forged handtools, multiangle laser light-scattering instruments, phototypesetting machines, plastic tubing corrugators, polyethylene film, pressure-sensitive PVC battery covers, salmon, and sparklers. The Commission also finished work on a number of other cases that had been filed during FY 1989. These included cement (from Mexico), industrial nitrocellulose, limousines, residential door locks, steel pails, and sweaters. Japan was the country most often cited in the investigations, being named in five. It was followed by the Federal Republic of Germany and the People's Republic of China, with three each.

The value of imported products at issue in several of these investigations was quite large. For

example, imports subject to the sweaters investigations totaled more than \$900 million in 1989 and imports subject to the cement investigations totaled nearly \$200 million. At the other extreme, imports totaled less than \$5 million in some cases. Irrespective of the volumes involved, the Commission collected and analyzed extensive information on the U.S. market in each investigation, obtaining such information both directly from market participants (producers, importers, and purchasers) and from submissions by parties to the investigations.

## INVESTIGATIONS UNDER THE TRADE ACT OF 1974

The Commission conducted one escape clause investigation during the year, on cameras. In that case the Commission determined, by a unanimous vote of 4 to 0, that increased imports of the subject cameras were not a substantial cause of serious injury to the domestic camera industry.

“

... the investigative staff represents the public interest rather than the private interests of a complainant or respondent.

”

## INVESTIGATIONS UNDER THE AGRICULTURAL ADJUSTMENT ACT OF 1933

The Commission initiated no investigations under section 22 of the Agricultural Adjustment Act of 1933 during FY 1990. An investigation on cotton comber waste initiated during FY 1989 was completed in January 1990. The Commission found that changed circumstances required modification or termination of the

existing section 22 quota on cotton comber waste.

## INVESTIGATIONS UNDER SECTION 332 OF THE TARIFF ACT OF 1930

Under section 332 of the Tariff Act of 1930, the Commission conducts general investigations on any matter involving tariffs and international trade. See appendix B for a discussion of section 332 in detail. Most of the studies mentioned here are available to the public. In addition to completing the studies highlighted below that resulted from one-time requests, the Commission produces recurring industry surveys such as *Nonrubber Footwear Quarterly Statistical Report* (332-191); *U.S. Automobile Industry: Monthly Report on Selected Economic Indicators* (332-207); *Annual Survey Concerning Competitive Conditions in the Steel Industry and Industry Efforts to Adjust and Modernize* (332-289); and *Annual Surveys on Ammonium Paratungstate, Tungstic Acid, and Tungsten Oxide* (332-252).

### Studies Relating to Probable Effects Advice for the Uruguay Round of Multilateral Trade Negotiations

*Foreign Telecommunications and Information Service Industries* (332-257)

This report was requested by the United States Trade Representative (USTR) to supplement a previously submitted report, *Service Sector Profiles and Barriers to Trade in Services*. The USTR requested that the Commission analyze in the supplemental report certain foreign restrictive measures that USTR identified involving telecommunications and information-processing services. Both the original report and the supplemental report provided profiles of selected foreign service industries and analyzed nontariff barriers to entry in those markets that affect U.S. service industries. These reports were prepared to assist the USTR in the services negotiations of the Uruguay Round.

*Estimated Tariff Equivalents of U.S. Quotas on Agricultural Imports and Analysis of Competitive Conditions in U.S. and Foreign Markets for Sugar, Meat, Peanuts, Cotton, and Dairy Products*, and a supplement, *Estimated Tariff Equivalents of Nontariff Barriers on Certain Agricultural Imports in the European Community, Japan, and Canada* (332-281)

This study, requested by the USTR in the fall of 1989, provided the tariff equivalents of certain U.S. nontariff barriers in agricultural trade, in order to assist the USTR in its efforts in the Agriculture Negotiating Group (ANG) of the Uruguay Round of the General Agreement on Tariffs and Trade (GATT). The Commission study, subsequently presented to the ANG in Geneva, was requested in order to demonstrate the feasibility of converting the protection extended by nontariff barriers into tariff equivalents or “tarification.” The United States has proposed that GATT members agree to convert agricultural nontariff barriers to tariffs and then reduce the resulting tariffs over a 10-year period.

### Studies Analyzing Various Aspects of U.S. Free-Trade Agreements and Other Special Trade Programs

*Production Sharing: U.S. Imports Under Harmonized Tariff Schedule Subheadings 9802.00.60 and 9802.00.80* (332-237)

This annual study was instituted by the Commission in 1986 to present and analyze statistical data on imports under Harmonized Tariff Schedule (HTS) subheadings 9802.00.60 (metal of U.S. origin processed in a foreign location and returned for further U.S. processing) and 9802.00.80 (goods containing U.S.-made components). The 1989 study presented historical import data (1970-88) under these HTS subheadings and evaluated the most current four-year period (1985-88) on a commodity-specific and sector-by-sector basis. The study also included an analysis of the rise in imports under the HTS



**Commissioners Rohr, Lodwick, Brunsdale, Cass, and Newquist listen to testimony at an out-of-town hearing regarding the Mexico study.**

headings caused by the customs user fee established in December 1986 and an examination of the production-sharing activities of the European Community that are heavily concentrated in Yugoslavia and other Eastern European countries.

***Certain Final Judicial Decisions Relating to Tariff Treatment (332-273)***

This investigation was instituted pursuant to section 1211(d) of the Omnibus Trade and Competitiveness Act of 1988. That act requires the Commission to recommend to the President those changes to the Harmonized Tariff Schedule that would have been incorporated in the schedule before enactment if certain "final judicial decisions" had been published prior to February 1988. In response to Commission notices, interested parties have requested the Commission to recommend changes in two product areas: (1) duty-free treatment for certain power supplies for automated data-processing machines that are now dutiable at three percent ad valorem and (2) a one-percent reduction (to just under four per-

cent ad valorem) for certain electrophoresis equipment.

***Investigation With Respect to the Operation of the Harmonized System Subtitle of the Omnibus Trade and Competitiveness Act of 1988 (332-274)***

This investigation was instituted pursuant to section 1216 of the Omnibus Trade and Competitiveness Act of 1988. That statute required the Commission to report to the Congress and to the President on the operation of the new Harmonized System during 1989. The Commission reported that implementation of the Harmonized Tariff Schedule has proceeded without significant difficulty. The Commission noted that, although some private sector interests have complained about tariff treatment for a relatively small number of commodities, overall there have been few complaints from the private sector concerning the new tariff schedule. The agencies most directly affected by the new tariff are overwhelmingly positive in their reactions. The USTR, Commissioner of Customs, and the Director of the Bureau of the Census

all report that implementation of the Harmonized System in the U.S. customs tariff has notably improved their ability to fulfill their domestic and international responsibilities that depend upon a modernized common tariff language.

***Probable Economic Effect on U.S. Industries and Consumers of Accelerated Elimination of U.S. Tariffs on Certain Articles From Canada (332-278)***

This study was requested by the USTR. It was required under section 103(a)(1)(B) of the United States-Canada Free-Trade Agreement Implementation Act, preparatory to the USTR's entering into consultations with the Government of Canada on U.S. rates of duty to be applied on certain articles when imported from Canada on and after January 1, 1990. The purpose of the study was to assess the probable economic effect of accelerated elimination of U.S. tariffs on such articles, under the United States-Canada Free-Trade Agreement, on consumers and on domestic industries in the United States producing like or directly competitive products.

***President's List of Articles Which May Be Designated or Modified as Eligible Articles for Purposes of the U.S. Generalized System of Preferences (TA-503(a)-18 and 332-279, and TA-503(a)-20 and 332-290) and Probable Economic Effects of the Redesignation of Certain Articles From Certain Countries as Eligible for Duty-Free Treatment Under the U.S. Generalized System of Preferences (332-284)***

The USTR annually requests the Commission to provide advice on the effects on U.S. industry and U.S. consumers of granting duty-free tariff preferences under the U.S. Generalized System of Preferences (GSP) to certain designated products from eligible countries. In addition to the annual GSP review, USTR also made two additional requests for special GSP reviews in the past 12

months. The first request was received in October 1989 (Investigation No. 332-284). In this study the Commission provided advice as to the probable economic effects of redesignating certain articles from certain countries to GSP-eligibility status. The second additional request was received in March 1990 (Investigations Nos. TA-503(3)-20 and 332-290). This special GSP review considered requests from the Governments of Bolivia, Colombia, Ecuador, and Peru to add products to the list of articles eligible for duty-free treatment under the GSP.

### **Studies Analyzing the Competitiveness of U.S. Industry**

*Annual Survey Concerning Competitive Conditions in the Steel Industry and Industry Efforts to Adjust and Modernize* (332-209)

The survey prepared in FY 1990 represented the final report in a five-year series. The reports were requested by USTR in February 1985 to assist in assessing the competitive position of the steel industry during a period of

import restraints. The survey indicated that the industry had achieved its second year of profitability, following several years of losses, and that the major companies' expenditures on facility modernization had exceeded their net cash-flow from steel operations. Special issues contained in the report included an analysis of the movement of minimills, which use scrap as opposed to iron ore as a raw material, into higher value-added segments of the market, an examination of the factors contributing to significant increases in steel exports, and an examination of conditions in the specialty steel segment of the industry during 1983-88.

### *U.S. Imports of Lamb Meat* (332-264)

This investigation was instituted on October 20, 1988, pursuant to section 1937 of the Omnibus Trade and Competitiveness Act of 1988 for the purpose of monitoring and investigating U.S. imports of fresh, chilled, or frozen lamb meat. In the first of two scheduled reports, released in February 1990, the Commiss-

sion described U.S. regulatory treatment applicable to U.S. imports of lamb meat and described the U.S. market. The report described the U.S. industry and discussed U.S. imports in terms of quantity and value, source, and as a share of U.S. consumption. Also, the role of the United States in world lamb meat trade was reviewed. The Commission's final report in its investigation is scheduled to be released in December 1990.

### *Competitive Position of the U.S. Gear Industry in U.S. and Global Markets* (332-275)

This study was requested by the USTR in March 1989 and required the Commission to provide a profile of U.S. and major foreign gear producers, an assessment of the global market, a comparison of U.S. and foreign producers' strengths and weaknesses, and the views of interested parties. In response to the request from the USTR, data on U.S. production, imports, exports, and consumption were developed from questionnaire responses and from published statistical sources. Similar information was gathered for gear-producing countries in Europe and the Far East, and estimates were made of global consumption.

Among the factors that were evaluated in the comparison of U.S. and foreign industries were the number and size of firms; expenditures on new equipment and research and development; productivity, measured in shipments per employee; importance of trade; capital availability and cost; tax and product liability laws; labor cost and mobility; and profitability. In addition to the conclusions of the investigation, views of producers, importers, and consumers were presented.

### *Durum Wheat: Conditions of Competition Between the U.S. and Canadian Industries* (332-285)

The House Committee on Ways and Means and the Senate Committee on Finance requested this study on the conditions of



**Representatives of Kodak make a point before the Commission during a hearing on a case brought by Keystone Camera.**



**Gary Lane operates the collator in the print plant. The Commission's Printing Branch produced 23,000,000 printing impressions in calendar year 1990.**

competition in the United States and Canadian durum wheat markets. The study report included analyses of the United States and Canadian durum wheat industries; United States and Canadian durum production, consumption, and trade; conditions of trade in durum wheat between the United States and Canada; United States and Canadian Government programs and policies to assist durum wheat producers and processors; and other factors affecting conditions of competition, including prices, transportation costs, and product quality.

The study concluded that both United States and Canadian farmers produce high-quality durum wheat but there are differences in the postharvest handling and distribution systems. Production of durum wheat in the United States and Canada in 1987-89 fell because of drought, and U.S. ending stocks of durum dropped as reserves (mostly farmer owned) were released. As U.S. prices rose in 1988, U.S. imports of durum wheat increased to a record high. Canada imported no durum wheat during 1985-89.

#### *Conditions of Competition Between U.S. and Mexican Fabricated Automotive Glass in the U.S. Market (332-286)*

This request from the USTR sought an investigation on the conditions of competition between United States and Mexican automotive glass in the U.S. market: specifically, whether (1) an industry in the United States would be materially injured or would be threatened with material injury or (2) the establishment of an industry in the United States would be materially retarded if the outstanding countervailing duty order on fabricated automotive glass from Mexico were revoked by the U.S. Department of Commerce. The Commission advised the USTR that revocation of the order would not have such injurious effects.

#### *Services: Compilation and Identification of U.S. Measures That May Not Conform With Principles the United States Is Seeking in the Uruguay Round (332-293)*

The Commission received a request from the USTR in May 1990 requesting that the Commission conduct an investigation in connection with trade negotiations on services in the Uruguay

Round of the Multilateral Trade Negotiations. As requested, the Commission undertook a study to provide a report that (1) compiles information provided to USTR by State governments in response to a USTR questionnaire on State services regulations and examines applicable information on State and Federal regulations included in the Commission's previously submitted report (*Service Sector Profiles and Barriers to Trade in Services: Phase II, Investigation No. 332-257*); and (2) identifies, to the extent practical from the information reported to USTR by State governments, U.S. measures (State and Federal) that may not be in conformity with the principles governing trade in services proposed by the U.S. Government in the Uruguay Round. The Commission submitted an interim classified report to the USTR in July 1990; a final report will be submitted in January 1991.

#### **Studies on Special Areas of Congressional Interest**

##### *The Economic Effects of Significant U.S. Import Restraints, Phase II: Agricultural Products and Natural Resources (332-262)*

The Commission completed this study as the second phase of a three-phase investigation requested by the Senate Finance Committee. The Commission estimated the effects on the U.S. economy of import quotas on sugar, dairy products, cotton, and peanuts, and voluntary restraint agreements (VRAs) with foreign suppliers of meat. The Commission concluded that the economy as a whole would benefit if non-tariff restraints (primarily quotas) on these products were removed while maintaining both farm production and income at their current levels with Government subsidies.

The first phase of the investigation, covering restraints on imports of manufactured goods, was completed in 1989. The third phase, covering restraints on services, is scheduled for completion in September 1991.

***The Effects of Greater Economic Integration Within the European Community on the United States (332-267)***

The House Committee on Ways and Means and the Senate Committee on Finance requested this investigation to provide objective information on the EC single market and a comprehensive analysis of its potential economic consequences for the United States. The single-market exercise is designed to accomplish the removal of barriers to trade in the physical, fiscal, and technical areas by 1992. Removal of these barriers is being done through the issuance of approximately 280 "directives," each to correct one or more of the barriers to a free-trade internal market in the EC.



***... the Senate Finance Committee requested the Commission to expand its capacity to provide impartial and detailed information on the relative global competitiveness of U.S. industry by enhancing its expertise on the competitiveness of advanced-technology manufacturing industries in the United States.***



The initial report covering this ongoing EC process was issued in July 1989, and it covered directives issued prior to January 1, 1989. The first follow-up report was issued in March 1990 and covered developments during 1989. Both reports indicated that while the EC single-market exercise did appear to hold potential benefits for both exporters to and investors in the

EC, certain developments should be carefully monitored for any possible distorting effects. Such developments include reciprocity, residual quantitative restrictions (particularly in the areas of automobiles, footwear, and textiles and apparel), and the setting of standards for specific products as well as for health and safety.

The second followup report was issued in September 1990 and concentrated on developments through June 1990. It also contained chapters on potential effects of the EC single-market effort on the automobile, chemical/pharmaceutical, and telecommunications sectors and contained in addition a separate discussion of EC research and development.

***Survey of Views on the Impact of Granting Most-Favored-Nation Status to the Soviet Union (332-280)***

This report was conducted in response to a request received from the Senate Committee on Finance in September 1989. It summarizes the views of recognized authorities on United States-Soviet trade on the impact that the granting of most-favored nation (MFN) treatment to the Soviet Union could have on the business climate for such trade. The report includes an assessment of the anticipated commercial implications of such an action. Most of the experts consulted in the investigation strongly supported a U.S. decision to grant MFN status to the Soviet Union. They claimed that it would substantially improve United States-Soviet relations and would provide a basis for long-term expansion of trade flows and business partnerships between the world's two superpowers. Many experts believed that the step would ultimately lead to an expansion of U.S. imports of Soviet goods, but few predicted that there would be a significant near-term impact on the volume of United States-Soviet trade. Indeed, many participants argued that changes in other U.S. policies—those restricting access to U.S. credit, credit and insurance

guarantees, and high-technology goods—could play a more concrete role in expanding two-way commerce.

***Review of Trade and Investment Liberalization Measures by Mexico and Prospects for Future United States-Mexican Relations; Phase I: Recent Trade and Investment Reforms Undertaken by Mexico and Implications for the United States (332-282)***

This two-phase study was requested by the House Committee on Ways and Means. Phase I reviews the changes Mexico has made in its trade and investment regime since 1985 and includes an overview of the Mexican economy and the austerity measures Mexico has adopted to address its debt situation and to promote economic growth; Mexico's accession package, the 1987 United States-Mexican Framework Understanding, the 1989 United States-Mexican Understanding Regarding Trade and Investment Facilitation Talks; Mexico's far-reaching program of deregulation for the economy and the steps it has taken toward privatization of state-owned enterprises; liberalization of Mexico's import trade regime and operation of its anti-dumping and countervailing duty procedures; liberalization of Mexico's foreign investment regulations and recent changes in the Maquiladora program; and progress Mexico has made in the area of intellectual property rights protection.

The phase II report, *Prospects for Future United States-Mexican Relations*, will provide a summary of views from experts on United States-Mexican trade and economic issues and on possibilities for the future direction of the bilateral relationship. The phase II report is due to the Committee in October 1990.

***Japan's Distribution System and Options for Improving U.S. Access (332-283)***

In October 1989, the House Committee on Ways and Means requested that the Commission conduct an investigation, in two



**Commission staff consult in the Main Hearing Room after a meeting and vote (standing are Lyn Schlitt, the General Counsel, and James Taylor and seated are Judy Mullen and Kenneth Mason, the Secretary to the Commission).**

phases, on Japan's distribution system. Phase I of the study provided an overview of Japan's distribution system and analyzed the composition of Japanese trade patterns. The study concluded that certain aspects of Japan's distribution system appear to impede access to existing distribution channels by foreign firms, forcing them to rely upon more expensive alternatives such as establishing an independent distribution network. This option was shown to be expensive and difficult due to high land, rent, warehousing, and transportation costs and certain legal restrictions. Phase II of the study, which is due to the Committee in October 1990, will seek experts' views on options for improving U.S. access to Japan's distribution system.

***Ethyl Alcohol for Fuel Use: Determination of the Base Quantity of Imports (332-288)***

Section 7 of the Steel Trade Liberalization Program Implementation Act requires the Commission to determine each year

for two years the U.S. domestic market for fuel ethyl alcohol during the 12-month period ending on the preceding September 30. The statute requires that the domestic market estimate made by the Commission be multiplied by seven percent to establish the "base quantity" of imports that can be imported with a zero-percent local feedstock requirement. Beyond the base quantity of imports, progressively higher local feedstock requirements are placed on imports of fuel ethyl alcohol and mixtures from Caribbean Basin Initiative beneficiary countries. Because the Commission's calculated base quantity for the 12-month period ending September 1989 was less than the minimum base quantity of 60 million gallons established by the law, the base quantity for imports during 1990 was established at 60 million gallons.

***Identification of U.S. Advanced-Technology Manufacturing Industries for Monitoring and Possible Comprehensive Study (332-294)***

In June 1990, the Commission received a letter from Chairman Bentsen of the Senate Com-

mittee on Finance requesting the initiation of a two-phase investigation under section 332 covering U.S. advanced-technology manufacturing industries. The phase I investigation report identified broad-based, advanced-technology industries for which the Commission will develop and maintain up-to-date information. From that list, the Commission recommended to the Senate Committee on Finance that communications technology and equipment, pharmaceuticals, and semiconductor manufacturing and testing equipment be designated for comprehensive study. Communications technology and equipment includes computers, digital switches, digital radios, satellites, fiber optics, and the software needed to run these integrated systems. Pharmaceuticals include medicinal chemicals, bioengineering, botanicals and diagnostics, and other biological products, such as serums and vaccines. Semiconductor manufacturing and testing equipment includes the machines and materials needed to produce integrated circuits and other microelectronic products. The Senate Committee on Finance approved the Commission's recommendations on September 27, 1990. Phase II of the investigation will be undertaken in FY 1991.



16



*The USITC Main Hearing Room is shown with a hearing in progress. The Main Hearing Room, with a seating capacity of 165, is the site of most Commission hearings and meetings, which are normally open to the public.*



*Nomenclature Analyst Janice Allen works at her computer terminal in the Office of Tariff Affairs and Trade Agreements.*



*International Trade Analyst Dennis Luther of the General Manufactures Division takes information over the phone.*

# PART II. ORGANIZATIONAL ACTIVITIES

## OFFICE OF OPERATIONS

The Director of Operations supervises all substantive work of its subordinate offices: Office of Investigations, Office of Industries, Office of Economics, Office of Tariff Affairs and Trade Agreements, Office of Unfair Import Investigations, and Trade Remedy Assistance Office. The Director is responsible for initiation, supervision, completion, and publication (when appropriate) of all statutory investigations, studies, and special work projects assigned by the Commission. The work includes completing the investigations within the statute-imposed deadlines and with a level of accuracy and detail suitable for subsequent review by the courts.

### Office of Investigations

The Office of Investigations is responsible for conducting the Commission's countervailing duty, antidumping, and review investigations under title VII of the Tariff Act of 1930, escape clause and market disruption investigations under the Trade Act of 1974, investigations under section 22 of the Agricultural Adjustment Act to determine whether imports of agricultural products are interfering with programs of the U.S. Department of Agriculture, and certain investigations under section 332 of the Tariff Act of 1930 that relate to outstanding countervailing duty orders. In general, the Commission's responsibility in these investigations is to determine whether or not an industry in the United States has been injured, or is threatened with injury, by imports of like products.

The primary responsibility of the investigative staff is to present the Commission with an objective and comprehensive report on the subject of each investigation in



*ITC staff members Deborah McNay, Abigail Shaine, Charles Yost, Andrea Casson, Thomas Jennings, and Peter Pogany listen to testimony during the hearing on granting MFN status to the Soviet Union.*

order to assist the Commission in making an informed decision concerning injury. To do so, the staff seeks to understand the conditions of competition within the domestic market of the industry through extensive data collection, research, and consultation with

publication of a report containing the Commissioners' views and a public version of the staff report. The principal cases handled by the Office during FY 1990 are discussed in the "Highlights" section of this report.

The investigative team, which includes a supervisory investigator, investigator, accountant/auditor, and economist from the Office of Investigations, as well as a commodity analyst and an attorney from other Commission Offices, acquires a thorough knowledge of the industry and the product under investigation, principally from primary sources such as industry questionnaires and visits to production facilities. Data presented in the staff report include but are not limited to capacity, production, capacity utilization, domestic and export shipments, inventories, imports, domestic market shares held by U.S. and foreign suppliers, employment, hours worked, productivity, wages and total compensation paid, unit labor costs, pricing, distribution channels, and full financial data on the U.S. companies producing the product under investigation. The staff also collects and analyzes somewhat more limited information regarding the foreign industry producing the subject product.

“  
The investigative team . . .  
acquires a thorough  
knowledge of the industry  
and the product under  
investigation, principally  
from primary sources such  
as industry questionnaires  
and visits to  
production facilities.

technical and marketing specialists. Under the direction of a supervisory investigator, the Office coordinates all facets of these investigations, beginning with the identification of primary data to be collected and ending with the

Investigations' staff members work closely with officials at the U.S. Department of Commerce, the U.S. Department of Agriculture, the U.S. Customs Service, parties to the investigations and their attorneys, and company officials for both U.S. producers and importers of the product to obtain information and effectively manage the administrative details of an investigation. Investigators also provide assistance to the United States Trade Representative (USTR) following Commission recommendations to the President of action to take in escape clause and market disruption cases.

Effective October 22, 1989, the Investigative Support Division was transferred from the Office of Economics to the Office of Investigations and was renamed the Applied Economics Division.

## Office of Industries

The Office of Industries, with more than 140 international trade analysts and support staff, provides the Commission, the Executive Office of the President, the Congress, and the public with technical and economic studies of

U.S. industries and international trade.

The Office is organized into seven commodity Divisions covering the major industrial sectors: agriculture and forest products, textiles and apparel, energy and chemicals, minerals and metals, machinery and equipment, services and advanced-technology industries, and miscellaneous manufactures. Within Divisions, international trade analysts track the import, export, production, and sale of more than 8,000 agricultural products, raw materials, and manufactured products. In addition, the Office has trade analysts who monitor U.S. services, the focus of increasing attention in international trade. The primary responsibility of analysts is to examine the impact on U.S. industry of international trade (imports and exports), U.S. industry performance, and factors influencing U.S. competitiveness.

During FY 1990, the Office conducted 28 investigations under section 332 of the Tariff Act of 1930, including both one-time, factfinding studies and continuing industry surveys. In particular, the Office of Industries focused on two important investigation efforts during the past year: (1) a major investigation en-

titled *The Effects of Greater Economic Integration Within the European Community on the United States (EC '92)* and (2) a series of three large investigations related to changes under the U.S. Generalized System of Preferences (GSP). The first investigation provided the Senate Committee on Finance and House Committee on Ways and Means with two semiannual reports in a series of reports on the EC '92 program for completion of the EC internal market by 1992. This investigation was the largest inter-Office project undertaken at the Commission in recent years, requiring contributions from all of the Commission's principal operating offices. In the preparation of the report, the Commission developed a completely new information base on the complex EC '92 directive program, analyzed the impact of this program on U.S. industry, and prepared two public reports for the Congress covering all aspects of the EC effort.

The GSP study involved three separate investigations, covering hundreds of commodities with important implications for trade with GSP beneficiary countries. In addition to the Commission's normal annual investigation of proposed modifications of product eligibility for the GSP, this fiscal year the Commission was requested by the USTR to determine the probable effects of redesignating as eligible those articles currently excluded from eligibility because of competitive-need limits. Finally, a third GSP investigation requested by the USTR considered requests from the Governments of Bolivia, Colombia, Ecuador, and Peru to add products to the list of articles eligible for duty-free treatment under the GSP.

Other studies released this year included an estimation of the tariff equivalents of U.S. quotas on imports of sugar, meat, peanuts, cotton, and dairy products and the probable effect of the removal of these barriers; and the probable effects of various changes in U.S. tariff levels under the United States-Canada Free-Trade Agreement. In addition,



Shoe manufacturers testify before Commission at an out-of-town hearing.

the Office was primarily responsible for studies of the international competitiveness of U.S. producers in such areas as gears, steel, durum wheat, tuna, and advanced-technology manufacturing industries.

Ten continuing industry surveys were conducted under section 332 to aid the Congress or the executive branch in monitoring U.S. imports and domestic production of various products. Two of these were at the request of the President, seven at the request of Congress, and one was a continuing survey initiated on the Commission's own motion. These surveys covered the following areas: synthetic organic chemicals; trade under provisions 9802.00.60 and 9802.00.80 of the Harmonized Tariff Schedule (HTS); steel subject to the President's program of voluntary restraint agreements (VRAs); competitive conditions in the steel industry and industry efforts to adjust and modernize; automobiles; rum; various tungsten compounds; nonrubber footwear; lamb meat; and ethyl alcohol. The Office periodically reviews all recurring studies and recommends to the requester the reduction or elimination of studies as appropriate.

In FY 1990, the Office made significant progress in the second phase of its comprehensive analysis of the effects of greater integration of the EC market. The second phase will consist of semi-annual reports (March and September) to Congress analyzing the effects of new EC '92 directive proposals, amendments to previously proposed directives, decisions by the European Court of Justice affecting EC '92 market integration, decisions by EC standards bodies pursuant to EC '92 standards directives, and any other developments related to the EC '92 effort. EC '92 is an attempt to achieve complete EC internal integration through the elimination of barriers to the free movement of goods, services, people, and capital by the end of 1992. It is a complex process and affects virtually every aspect of commercial activity in the EC.



*Commissioner Newquist visits the Keystone Camera manufacturing plant during the investigation on cameras.*

Late in FY 1990, the Senate Finance Committee requested the Commission to expand its capacity to provide impartial and detailed information on the relative global competitiveness of U.S. industry by enhancing its expertise on the competitiveness of advanced-technology manufacturing industries in the United States. The Committee requested a two-step investigation. In the first phase of this effort, the Commission provided to the Committee a list of industries about which the Commission will develop and maintain up-to-date information. The list included ten major industries that produce products that embody advanced technology, that involve high value-added and research and development expenditures, and that are expected to experience above-average growth in demand in domestic and foreign markets. In addition, the Commission recommended three industries for comprehensive study during the second phase of the investigation. The three industries recommended were pharmaceuticals, communications technology and equipment, and semiconductor manufacturing and testing equipment.

In selecting these industries, the Commission was requested to consider their importance to future U.S. global competitiveness and the extent that foreign governments provide benefits to industries producing competitive products. The Commission was requested to complete these studies by the end of FY 1991.

In the agricultural sector, the Commission had two investigations under way at the end of the fiscal year, covering (1) the competitive conditions affecting the U.S. and European tuna industries in domestic and foreign markets (332-291) and (2) the probable effects on U.S. international trade in agricultural food products of the California pesticide residue initiative (332-292).

In support of the Uruguay Round services negotiations, the Commission had under way at yearend an investigation (332-293) requested by the USTR to identify and analyze U.S. measures (State and Federal) that may not be in conformity with the principles governing trade in services proposed by the U.S. Government in the Uruguay Round.

In support of its section 332 investigative work, the Office also

tested and acquired a new system of information storage and retrieval during the fiscal year. The system involves optical scanning and storage of commodity/industry information files with full indexing of text that permits research of data through the use of key words and phrases. This system greatly facilitates and enhances the research capabilities of the Office.

The Office also began planning a new series of Summaries of Trade and Tariff Information.

---

**The Office also began planning a new series of Summaries of Trade and Tariff Information.**

---

The Commission has, since its inception, periodically issued a series of reports designed to provide the Government and the public at large with a reliable, systematic, and uniform source of information on domestic and foreign trade in the articles enumerated in the *Tariff Schedules of the United States*. The last complete "library" of Summaries was completed in FY 1984 and contained approximately 250 individual reports. The Commission is beginning the program at this time because the current series is now more than five years old and because of a strong, continuing demand for this type of information by the public and other agencies. Furthermore, in January 1989 the United States adopted the Harmonized Tariff Schedule as the new U.S. tariff nomenclature, and little has been published regarding trade under this nomenclature and its relation to U.S. industry. Finally, the results of the Uruguay Round, including tariff and other concessions, will bring changes for U.S. industry and trade that can be conveyed at least in part in a summary series. The Commission will give pri-

mary attention to those industries in the forefront of U.S. competitiveness issues, particularly those industries that might be considered advanced-technology industries. Eventually, however, this series is expected to be comprehensive.

The Office of Industries also produces a monthly staff publication, the *Monthly Import/Business Review*. This report includes selected industry and trade news items that may have immediate and important economic consequences on the domestic industry and the conditions of competition it faces at home and abroad. The review is distributed to a variety of congressional and executive branch offices and the public on request.

Finally, the Office created a new Division to give greater emphasis and coverage to U.S. service industries and U.S. advanced-technology industries, sectors that will significantly influence the future competitive position of the United States in world markets. The establishment of a separate Division will enable the development of greater staff expertise in these areas.

#### **Office of Economics**

The two Divisions of the Office of Economics—the Research Division and the Trade

Reports Division—help the Commission provide expert economic advice to Congress and the President on a variety of international trade issues before U.S. policy-makers.

The Research Division provides technical analyses of trade and economic issues and provides advice and review on all Commission section 332 studies to assure that they are soundly based on generally accepted economic principles.

The Research Division is currently leading a major three-phase investigation of the effects of significant import restraints on producers, consumers, and the overall economic welfare of the United States. In the first phase, completed in September 1989, the Commission estimated the costs and benefits of 20 tariff and five nontariff barriers on manufactured goods. In the second phase, completed in September 1990, it estimated the effects of import quotas on sugar, dairy products, cotton, and peanuts and VRAs with foreign suppliers of meat (Investigation 332-262). In the third phase, which will be published in September 1991, the Commission will estimate the economic effects of various restraints on international trade in services.



*Telesforo Cordoba performs a role-playing skit with Janice Allen and Monica Lane to convey a message about providing good quality service during an activity sponsored by the ITC Federal Women's Program.*

In addition, the Division is developing a computable general equilibrium (CGE) economic model that will enable the Commission to estimate more accurately the effects of removing any specific trade restraint or of removing multiple restraints simultaneously. The details of this CGE model will be presented in the report on the third phase of the import-restraints investigation.

The Research Division also contributed substantially to the following section 332 investigations, which were led by the Trade Reports Division:

*Annual Report of the Impact of the Caribbean Basin Economic Recovery Act on U.S. Industries and Consumers (332-227)*

*Service Sector Profiles and Barriers to Trade in Services: Supplemental Report (332-257)*

*U.S. Imports of Lamb Meat (332-264)*

*The Effects of Greater Economic Integration Within the European Community on the United States, first and second followup reports (332-267)*

*Competitive Position of the U.S. Gear Industry in U.S. and Global Markets (332-275)*

*United States-Canada Free-Trade Agreement: Probable Economic Effects on U.S. Industries and Consumers of Accelerated Elimination of U.S. Tariffs on Certain Articles From Canada (332-278)*

*Estimated Tariff Equivalents of U.S. Quotas on Agricultural Imports and Analysis of Competitive Conditions in U.S. and Foreign Markets for Sugar, Meat, Peanuts, Cotton, and Dairy Products (332-281)*

*Review of Mexico's Recent Trade and Investment Liberalization Measures and Prospects for Future U.S.-Mexican Trade Relations (332-282)*

*Japan's Distribution System and Options for Improving U.S. Access (332-283)*

*Probable Economic Effects of Resignation of Certain Articles From Certain Countries as Eligible for Duty-Free Treatment Under the U.S. Generalized System of Preferences (332-284)*

*Durum Wheat: Conditions of Competition Between the U.S. and Canadian Industries (332-285)*

99

... the Division is developing a computable general equilibrium (CGE) economic model that will enable the Commission to estimate more accurately the effects of removing any specific trade restraint or of removing multiple restraints simultaneously.

The country-desk resources of the Trade Reports Division complement the commodity and industry expertise of the Office of Industries. Together, they enable the Commission to respond to the information needs of U.S. trade policymakers using either an industry approach, a country approach, or some combination as may be most suitable.

The Trade Reports Division worked on a wide range of issues, conducting section 332 investigations, producing statutory reports on U.S. trade, and providing policymakers and the public with information and analysis on bilateral and multilateral trade issues. Division economists led a major research project requested by the Senate Finance Committee on the issues involved in granting most-favored-nation (MFN) trade treatment to the Soviet Union (Investigation No. 332-280). The report on this Commission investigation presented a summary of experts' views on various issues identified by the Committee, including the potential for U.S. agricultural exports, opportunities for joint ventures, and the competitiveness of U.S. firms with other exporters (such as Japan) in the Soviet market.

Trade Reports economists also led two studies requested by the Ways and Means Committee of the House of Representatives. In *Review of Mexico's Recent Trade and Investment Liberalization Measures* (Investigation No. 332-282), the Commission found, among other things, that Mexico has reduced its maximum import tariff from a level of 100 percent in 1986 to a current level of 20 percent. In *Japan's Distribution System and Options for Improving U.S. Access*, the Commission concluded that several forces—both within and outside Japan—seem to be pushing Japan's distribution system toward greater openness, but that change may come more slowly than in other countries. Both the Mexico and Japan reports are two-phase studies, with the first phase consisting of fact-finding and the second phase summarizing experts' views on future policy options. The

second-phase reports for both Mexico and Japan will be sent to the Congress in October 1990.

Division staff also participated in two Commission studies on the 1992 integration of the European Community and in a staff report on issues related to a possible trade agreement with the Soviet Union.

The Trade Reports Division prepared several recurring trade reports as required by statute. In August 1990, the 41st annual *Operation of the Trade Agreements Program* report was released. This report highlighted major developments in U.S. trade policy in 1989, including special sections on United States-Eastern European trade and the Malta superpower summit. The report also included data on U.S. trade under the GSP program and the Caribbean Basin Initiative, a comprehensive review of developments within the GATT and other multilateral forums, and actions taken under U.S. trade law. The report covered details of trade relations with seven major trading partners—the European Community, Canada, Japan, Mexico, Taiwan, the Republic of Korea, and Brazil.

Trade Reports Division economists also prepared the fifth

annual report on the impact of the Caribbean Basin Economic Recovery Act (CBERA) on U.S. industries and consumers. This report studied several other issues, including the effects of the CBERA on investment in Caribbean countries.

The *Report to the Congress and the Trade Policy Committee on Trade Between the United States and the Nonmarket Economy Countries* (the East-West Trade Report) was prepared quarterly, as required by law. The ongoing report provides current data on U.S. trade with 16 nonmarket economy countries (NMEs) along with analyses of significant developments in commercial relations and trade. The report also presents the results of the East-West Trade Statistics Monitoring System, which analyzes imports of manufactured goods from NMEs. The system identifies manufacturing industries experiencing rapid growth in imports and significant import penetration by NME suppliers.

Division staff responded to more than 300 informal requests for specialized information and technical assistance from Congress, the public, and other Government agencies. The Trade Reports Division also produced a

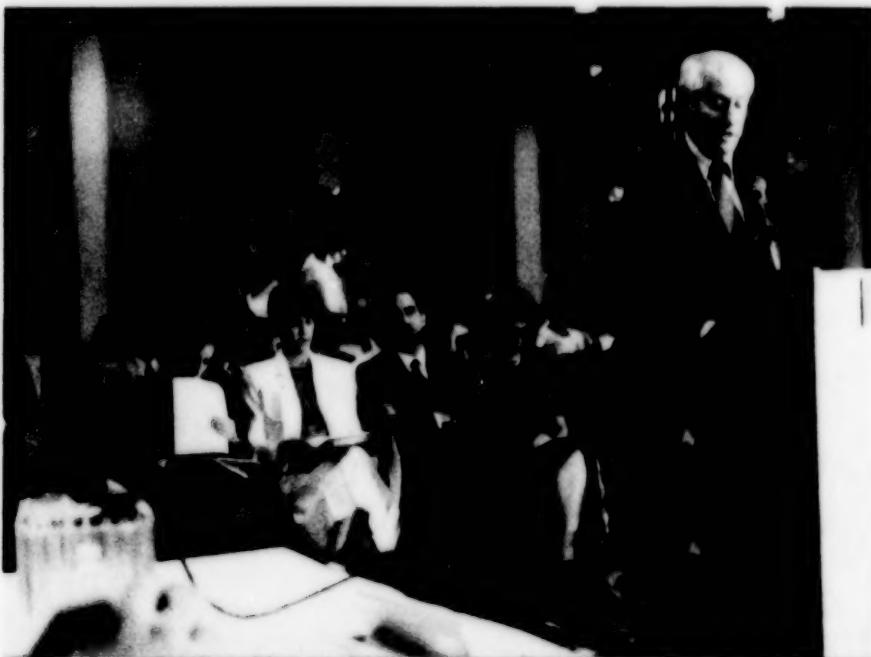
monthly review of trade and policy developments, the *International Economic Review*, which gives timely information on significant economic and policy developments abroad that may affect U.S. commerce. The *Review* is distributed to Members of Congress and the public on request.

### Office of Tariff Affairs and Trade Agreements

The Office published the second edition and first supplement of the Harmonized Tariff Schedule. The first supplement reflected, among other things, changes resulting from the annual review of the Generalized System of Preferences and the acceleration of staged duty reductions negotiated in the United States-Canada Free-Trade Agreement. A second supplement was prepared in September 1990 for publication in October. It incorporates the new tariff provisions provided for in the Customs and Trade Act of 1990.

Partly as the result of duty-rate changes that occurred in the conversion of the Tariff Schedules of the United States (TSUS) to the HTS, a large volume of tariff legislation was introduced in the Congress during FY 1989 and FY 1990. During FY 1990, the Office staff coordinated the Commission's preparation of reports on 366 tariff bills, most of them seeking temporary duty suspensions. The Commission's reports on these bills were completed and submitted to the Congress as of the end of FY 1990 and are listed in appendix C. These reports assist the House Ways and Means Committee and the Senate Finance Committee in their consideration of tariff legislation.

Statistical changes to the HTS were also sought through the Committee for Statistical Annotation of the Tariff Schedule (the 484(e) Committee), which is chaired by the Director of this Office. During this fiscal year, the committee received 81 petitions for changes affecting hundreds of HTS subheadings.



Representative Jim Kolbe (R-AZ) shares his views with the Commission on trade between the United States and Mexico during a hearing in Tucson.

The Office updated the HTS history and header files, the index of Harmonized System Committee summary records, and other relevant data bases. It also sent electronic copies of the HTS to the National Technical Information Service for distribution to the public.

In the area of Trade Agreements, the Office contributed significantly to the preparation of electronic data base files for the ongoing Uruguay Round of Multilateral Trade Negotiations and for the proposed acceleration of duty reductions under the United States-Canada Free-Trade Agreement. In addition, Office staff assisted the USTR in reviewing other countries' documentation concerning the Uruguay Round. Staff also reviewed petitions and prepared reports and Presidential proclamations in connection with the GSP program.

A major undertaking for the Office in FY 1990 involved implementing a United States-Canada Memorandum of Understanding, under which the two countries exchange monthly import statistics to reflect each country's exports to the other. The arrangement became operational beginning January 1, 1990, and eliminates the need to prepare and compile over one million export documents annually.

Finally, the Office had primary responsibility for the following investigations: *Certain Final Judicial Decisions Relating to Tariff Treatment* (332-273); *Operation of the Harmonized System Subtitle of the Omnibus Trade and Competitiveness Act of 1988* (332-274); and *International Agreements to Protect Wildlife and the Environment* (332-287). The first two were completed during FY 1990 and the last will be completed in January 1991.

### **Office of Unfair Import Investigations**

The Office of Unfair Import Investigations is a party to adjudicatory investigations conducted under section 337 of the Tariff Act of 1930. These investigations involve claims of unfair methods of competition in import trade and most frequently include allegations of patent or trademark infringement. Allegations of copyright infringement, misappropriation of trade secrets, passing off, false advertising, and antitrust violations are also litigated in these investigations. If the Commission finds a violation of section 337, it may issue exclusion orders and cease-and-desist orders as a remedy.

The Office of Unfair Import Investigations represents the public interest in section 337 investigations. The Office is responsible for ensuring that a complete record is developed in these investigations and that the relevant issues are briefed for the administrative law judges and the Commission. Investigative attorneys from the Office actively participate along with counsel for the private parties throughout these investigations. Unlike the private litigants, however, the investigative staff represents the public interest rather than the private interests of a complainant or respondent. Representation of the public interest is important because the remedies available in section 337 investigations may affect nonparties and U.S. consumers.

The Office of Unfair Import Investigations has responsibility for reviewing section 337 complaints prior to institution of an investigation and advising the Commission whether the complaint alleges a cause of action under section 337 and complies with the governing Commission rules. Prior to institution of a section 337 investigation, the Office engages in informal investigation of the factual and legal bases for the allegations in the complaint. On request, the Office also provides informal advice to prospective complainants regarding the viability of filing a complaint under section 337.

During the violation phase of a section 337 investigation, attorneys from the Office of Unfair Import Investigations take discovery, examine witnesses, present evidence at the hearing, and submit briefs on factual and legal issues to the administrative law judges. The investigative staff also submits briefs to the Commission to assist the Commission in its review of the administrative law judge's initial determination as to violation and in its determinations on remedy. Given the public interest nature of section 337, the time constraints imposed by the statute, and the fact that some parties do not want to par-



*Attorney Leo Webb consults with Paralegal Specialist Diane Whitfield in the Office of Tariff Affairs and Trade Agreements.*

ticipate, the investigative staff's participation ensures that the administrative law judges and the Commission have the relevant facts and are offered an independent focus on the many issues presented in these investigations.

The investigative staff also attempts to facilitate settlement negotiations among the parties. Accordingly, the staff reviews consent order agreements and settlement agreements and submits briefs on the question of whether they are in the public interest and comply with the Commission's rules and, when the parties seek a Commission consent order, whether the order would constitute a proper exercise of the Commission's jurisdiction.

During FY 1990 there were 33 active section 337 investigations. In these investigations, producers sought protection from alleged infringement of intellectual property rights in a host of different industries, including semiconductors, pharmaceuticals, insecticides, industrial materials and machinery, and various consumer products ranging from battery-operated ride-on toy vehicles to athletic shoes. The Commission terminated nine investigations as a result of settlement agreements or consent orders entered into by the parties prior to an evidentiary hearing. Settlement agreements or consent orders were also entered in three other investigations. Of the 12 investigations in which the Commission made final determinations on the merits, a violation of section 337 was found in seven investigations. Temporary relief proceedings were concluded in two section 337 investigations, with a grant of temporary relief being made in one of these proceedings. During FY 1990, there were also two advisory opinion proceedings and two formal enforcement proceedings stemming from prior section 337 investigations.

### **Trade Remedy Assistance Office**

The Trade Remedy Assistance Office provides assistance to the public and to small businesses



*Commissioner Seeley Lodwick talks with Commissioner Carol B. Hallett of the Customs Service during her visit to address an awards ceremony gathering.*

seeking benefits or relief under U.S. trade laws. In response to inquiries from the public, the Office provides information on the various trade laws identified in 19 CFR 1339. In FY 1990, the Office responded to 268 inquiries.

The Office also provides technical assistance, as defined in the Commission's rules, to eligible small businesses seeking a remedy under one or more of the trade laws. In FY 1990, seven small businesses were certified to receive technical assistance. The Office has provided these businesses with technical and informal legal advice to assist them in determining which statutes may offer relief, in preparing draft complaints or petitions, and in presenting their positions to the Commission and the U.S. Department of Commerce.

In FY 1990, three businesses that have received technical assistance from the Office have filed petitions/complaints seeking trade relief. First, on February 27, 1990, ENM, a small business in Chicago that manufactures counting equipment, filed a petition seeking relief from allegedly dumped imports from Brazil. On March 19, 1990, Wyatt Technologies, a manufacturer of laser devices, filed a petition seeking

relief from allegedly dumped imports from Japan. On August 20, 1990, a 337 complaint was filed by John A. McDougal from Detroit, MI, alleging infringement of his patent on antiknock ignition systems for automobiles. In addition, on March 22, 1990, the Keystone Camera Corp. filed for relief from camera imports from Japan under section 201 after making initial inquiries about potential trade relief through the Office.

On April 10, 1990, the Commission, in a 4-to-2 decision, reached a negative determination in its preliminary investigation respecting digital counters, thereby terminating the investigation. On April 30, the Commission, also in a 4-to-2 decision, made an affirmative finding in its preliminary investigation respecting laser light-scattering instruments. On September 18, the Commission instituted a section 337 investigation based on Mr. McDougal's complaint. Also in September, the Commission made a negative decision in the camera investigation.

In providing technical assistance, the Office staff is available to meet with eligible small businesses to discuss the procedures for obtaining relief. The Office has assisted small businesses in

analyzing their trade-related problems to determine which statutes may offer relief. Technical assistance may include review of draft complaints or petitions prepared by the eligible small business to assist its efforts to prepare a final petition for filing. Technical assistance may also include informal legal advice and assistance for the eligible business during administrative review of the petition and any subsequent appeals.

## OFFICE OF ADMINISTRATION

The Office of Administration handles the Commission's personnel, finance, budget, information resources management, publishing, procurement, facilities management, and library (other than law) functions. During FY 1990, Library Services and the Office of Information Resources Management were transferred from the Office of Operations to the Office of Administration.

The Office of Administration was involved in several audits conducted by the Inspector General during FY 1990, including (1) personnel management, (2)

budget formulation and execution, (3) information security, (4) use of copy machines by non-Commission personnel, (5) compliance with the Federal Managers' Financial Integrity Act of 1982, and (6) use of imprest funds.

Plans have been made to phase out the Commission mainframe computer (an IBM model 4331) by March 1991. This project will require significant effort to transfer computer applications to other facilities, such as the National Institutes of Health and the Departments of Energy and the Interior. The capabilities of the Commission's personal computer base and its local area network will also help in the phaseout of the mainframe computer.

Staff in the Office of Administration served as advisors for the Commission's program staff on the application of statistical theory, especially the use of sampling for obtaining information needed in the Commission's investigative and research studies. Staff handled frequent inquiries for trade data, evaluated data reliability, and provided graphics support for personal computers. Four statistical bulletins summa-



CONNIE SPEIGHT

*Connie Speight, the staff assistant to the Director of Administration, manages the paper traffic through the various offices of the Office of Administration.*

rizing import and export information for use in the trade community were prepared. In FY 1990, the Office of Administration completed 53 detailed statistical reviews of Commission investigative reports.

The Commission's National Library of International Trade has expanded its services in several ways. In FY 1990, the Library staff began to work closely with other Commission staff on special project groups such as EC '92, including the evaluation of potential new data bases containing information about the dynamic changes in Europe. Additionally, it developed several bibliographies on special trade topics, such as Japan, during the fiscal year.

During FY 1990, the Office of Personnel expended significant effort and resources in transferring its automated employee data base from the Commission mainframe computer to the U.S. Department of Energy automated personnel system. The manual capture of data directly from official personnel files was the core element of the project, requiring the most concentrated effort. Now fully operational, the Department of Energy system permits data input by means of personal computers and provides output in the form of computer-generated personnel documents.

Extensive labor-management negotiations were conducted over



*Eric Pargament of the Editorial Branch conducts an in-house course in report writing for Commission staff members.*

the issuance of smoking regulations as well as the Commission's implementation of the President's Drugfree Workplace Initiative. On the first issue, a negotiation impasse resulted in referral of the issue to the Federal Service Impasses Panel, from which a decision is pending. Negotiations continue on drug testing.

In the areas of financial management, steps were taken to enhance the responsibilities of the Commission's cost center managers. Additionally, an automated procurement-management system was installed to improve internal controls over procurement.

The Commission's telecommunications capabilities improved significantly during the year with the transition of long-distance calling to the General Services Administration's (GSA) FTS-2000 system. New telephone instruments were installed throughout the Commission, providing more efficient communications. At the close of FY 1990, preparations had been completed to install GSA's Washington Interagency Telecommunications System, which will improve communications among Federal agencies in the Washington, DC, metropolitan area.

During FY 1990, the Information Security Oversight Office, which oversees the Government-wide information security program, performed an onsite inspection to determine whether the Commission's security practices continued to be in compliance with Executive Order 12356. The Office concluded that the Commission was in full compliance and commended senior management for its strong support of the Commission's information security program.

## OFFICE OF THE ADMINISTRATIVE LAW JUDGES

During FY 1990, the Office of the Administrative Law Judges held five evidentiary hearings on section 337 cases in accordance with the Administrative Procedure



*David Ludwick (seated) and Tom Westcott of the Animals and Forest Products Branch, Office of Industries, consult on a Commission project.*

Act. These hearings ranged in length from two days to five weeks and involved a diversity of products including pressure transmitters, polymer geogrids, erasable programmable read-only memories, and doxorubicin (a pharmaceutical product). During this period, the judges disposed of 13 cases without an evidentiary hearing—that is, by settlement, withdrawal of the complaint, summary determination, or by a motion to terminate.

## OFFICE OF CONGRESSIONAL LIAISON

The Office of Congressional Liaison is the primary point of contact between the Commission and Congress. The Office routinely works with congressional staff to clarify congressional intent in section 332 investigation requests, responds to inquiries from Members of Congress, and keeps the Commission apprised of legislative initiatives that would affect its operations. The Office also provides technical assistance to Members of Congress and their staff on various trade-related matters.

During FY 1990, Congress asked the Commission for technical assistance, requesting a total of seven section 332 investiga-

tions, including those on Mexican trade and investment liberalization measures, on Japan's distribution system and options for improving U.S. access, and on international environmental agreements enforceable through trade sanctions. In addition, a staff study concerning United States-Soviet economic relations and U.S. and EC trade agreements relating to nonmarket economies was conducted to assist the Senate Finance Committee in preparing for possible hearings on extending MFN status to the Soviet Union.

In addition to requests for studies, the Commission responded to requests for testimony and briefings. In October 1989, Chairman Brunsdale testified before the House Ways and Means Trade Subcommittee on the subject of foreign trade zones. In addition, Commission staff briefed House Ways and Means and Senate Finance Committee staff on the most recent findings in the ongoing 332 investigation on the effects of greater economic integration within the European Community. In July of 1990, staff of the Textiles Branch of the Office of Industries briefed House Ways and Means Trade Subcommittee Chairman Sam Gibbons (D-FL) on the status of the domestic textile industry.

The Commission received 262 letters from individual Members of Congress and 202 requests for miscellaneous tariff bill reports. These reports provide statistical, legal, and industry background for use by the House Ways and Means and Senate Finance Committees during deliberations on legislation.

Three Members of Congress testified at Commission hearings and seven submitted comments for the record. In connection with the section 332 investigation on Mexican trade and investment measures, three Members requested field hearings in New Mexico, Arizona, and Texas, which were well attended by representatives of both the public and private sectors.



*Joyce Bookman of the Publishing Division's Design Branch works on a design project.*

## OFFICE OF INSPECTOR GENERAL

The Inspector General is responsible for conducting all audits and investigations relating to Commission programs and operations and for recommending and commenting on proposed legislation, regulations, and procedures as they affect the Commission's efficiency and effectiveness. The accomplishments of the Office of Inspector General are included in a semiannual report submitted to Congress in November and May each year.

Commission programs and operations reviewed during FY 1990 included implementation of the administrative protective order provision in title VII investigations; compliance with the Federal Managers' Financial Integrity Act of 1982; personnel management functions and activities; verification of report data in title VII investigations; use of copy machines by non-Commission personnel; budget formulation and execution; information security; and imprest funds.

Activities in the Office of the Inspector General conducted to

prevent or detect fraud, waste, or abuse included establishing the Office's role in the Commission review process for all proposed directives and regulations. The Office has also begun a process of commenting on proposed legislation.

The Inspector General has been an active member of the President's Council on Integrity and Efficiency Coordinating Conference (PCIE). The Inspector General is the Commission representative for the Audit Committee of PCIE's Standards Subcommittee. She is also a member of a task force developing an audit manual on behalf of the Coordinating Conference for use by auditors.

## OFFICE OF THE SECRETARY

The Office of the Secretary compiles and maintains the Commission's official records, such as petitions, briefs, and other legal documents. It issues the Commission's notices, reports, and orders, and it schedules and participates in all Commission meetings (30 in FY 1990) and hearings (30 days of hearings in FY 1990).

The Office also has been a repository for historical information on the Commission since its founding in 1916. It makes determinations on requests for confidential treatment of information, requests for information released under protective order, and requests under the Freedom of Information Act (FOIA).

The following tabulation shows the volume of these requests for FY 1990 compared with the number in FY 1989:

Type of request	FY 1989	FY 1990
Requests for confidential treatment .....	488	399
Requests for release of confidential business information under protective order .....	166	124
FOIA requests:		
Received .....	77	72
Granted .....	56	44

The Office of the Secretary receives surety bonds or other collateral posted by parties in connection with the temporary-exclusion-order phase of section 337 investigations. The Secretary also is authorized to issue seizure letters authorizing the U.S. Customs Service to hold certain merchandise when a prohibited importation is attempted. There continues to be a need to monitor alleged breaches of the Commission's administrative protective orders. In FY 1990, a total of 63 possible breaches were identified. In 13 cases, the Commission invoked sanctions; in 25 cases, investigation did not disclose evidence of an actual violation. Twenty-five cases are still under investigation.

The next two years will likely see a significant change in the way the Office receives and processes the thousands of documents

filed with the Commission each year. In FY 1990, 10,731 documents were filed with the Office of the Secretary. This number was almost identical to the FY 1989 total of 10,735. When the IBM 4331 mainframe computer is phased out, the Office will require an alternative system tested and ready to use in the docketing function. At the same time, the Office is looking at improved microfilm systems and optical-disk technology for introduction in the 1990s.

The Office receives an average of almost 200 visitors each month—including Commission staff—researching its public files. Facilities for research by the public are in the Office of the Secretary, room 112, and in the Commission libraries. Inquiries should be directed to the specific organizational unit or to the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202-252-1000. Publica-

tions may be ordered 24 hours a day, seven days a week, by calling 202-252-1809.

### OFFICE OF EXECUTIVE AND INTERNATIONAL LIAISON

The principal function of the Office of Executive and International Liaison is the management of the daily technical assistance that the Commission provides to the USTR in the operation of the trade agreements program and the execution of U.S. trade policy. The Office is also the channel through which assistance is obtained from U.S. embassies in foreign countries in assembling information for Commission investigations and reports. Major activities during the year included assistance to the USTR in its work on the Uruguay Round of MTN, negotiations with Canada on acceleration of removal of

duties under the United States-Canada Free-Trade Agreement, and the preparation of Presidential proclamations implementing decisions in U.S. trade policy.

### OFFICE OF THE GENERAL COUNSEL

The General Counsel is the Commission's chief legal advisor. The General Counsel and the 27 attorneys in her Office advise the Commissioners on Commission investigations, prepare briefs and represent the Commission in court, and provide assistance and advice on general administrative matters, including ethics, labor relations, and contracts.

Upon request, the Office provides technical assistance to the Congress and executive branch on tariff and trade matters. During the year just concluded, the Office provided considerable technical assistance and support to the U.S. delegations to the GATT Uruguay Round trade negotiations in Geneva. Several of the laws administered by the Commission are based on GATT articles or codes, and several of these GATT articles and codes are the subject of negotiations in the current trade round.

The General Counsel's attorneys were principal drafters of several sections of the followup versions of *The Effects of Greater Economic Integration Within the European Community on the United States* (Investigation No. 332-267). The sections involved were those on intellectual property, company law, taxation, and the legal framework of the European Community. General Counsel attorneys also contributed a major section to *Japan's Distribution System and Options for Improving U.S. Access* (Investigation No. 332-283).

Office attorneys prepared a two-volume staff research study entitled *U.S. Laws and U.S. and EC Trade Agreements Relating to Nonmarket Economies*. The study included a description and analysis of the various U.S. and EC bilateral trade agreements with the Soviet Union and other nonmarket-economy countries as



ITC staff members are ready to answer Commissioners' questions at a Commission meeting (left to right: Lynn Levine, Daniel Duty, Marc Bernstein, and Timor Yaworski).

well as a complete compendium of agreements. The study was prepared just before the executive branch began negotiating a new trade agreement with the Soviet Union, and it was provided to the U.S. negotiators and to Congress.

The Law Library continues to be an important resource of the Office of the General Counsel. It contains more than 10,000 volumes related to international trade and tariffs, including the legislative histories of the trade laws administered by the Commission. It participates in an exchange program with other libraries and is open to the public. The Office continued to handle a heavy load of litigation, which is summarized in appendix D.

## OFFICE OF PUBLIC AFFAIRS

The Office of Public Affairs, through its Director, is the spokesman for the Commission. It is responsible for a program of internal and external information programs designed to enhance employee morale and to keep the public informed about the Commission, respectively. The Office maintains an active relationship with the press, keeping it and the public informed of Commission

decisions and studies through timely press releases. The Office also answers press and public queries about the Commission and its activities and arranges for press and public contact with the Commissioners and Commission staff.

The Office is responsible for preparing and disseminating brochures and pamphlets to help the public understand the Commission and its mission. It is consulted on the design, production, and dissemination of Commission publications, such as investigation reports, studies, pamphlets, and the Commission's annual report.

This past year, Public Affairs handled the arrangements for three out-of-town hearings. These hearings—in Arizona, New Mexico, and Texas—were requested by Members of Congress in connection with the investigation of Mexican trade and investment. The Office coordinated press coverage and provided logistical support both for the hearings and for ancillary field trips.



*Stephen Burkett, credit union manager, works on Tacomis Credit Union books. Tacomis is the Commission's credit union and is run on a part-time basis by Commission employees.*

## **PART III. MANAGEMENT AND FINANCE**

The Commission maintains an expert staff of professional international trade and nomenclature analysts, investigators, attorneys, economists, data systems programmers, and administrative support personnel to do the work mandated by Congress. The Commission had a total of 464

permanent employees as of September 30, 1990, compared with 471 at the end of the previous fiscal year. All Commission personnel are located at 500 E Street, SW., Washington, DC. The breakdown of their assignments is as follows:

<b>Organizational unit</b>	<b>Number as of September 30, 1990</b>
Commissioners.....	4
Offices of the Commissioners.....	14
Office of the Administrative Law Judges.....	11
Office of the Secretary.....	16
Office of Public Affairs.....	2
Office of Executive and International Liaison.....	4
Office of Congressional Liaison.....	3
Office of the General Counsel.....	44
Office of Inspector General.....	2
Office of the Director of Operations.....	2
Office of Economics.....	29
Office of Industries.....	139
Office of Investigations.....	48
Office of Tariff Affairs and Trade Agreements.....	19
Office of Unfair Import Investigations.....	18
Trade Remedy Assistance Office.....	2
Office of the Director of Administration.....	4
Office of Finance and Budget.....	12
Office of Information Resources Management.....	26
Office of Management Services.....	40
Office of Personnel.....	13
Library Services.....	12
<b>Total .....</b>	<b>464</b>

The U.S. International Trade Commission submits its budget to the President for transmittal to Congress. The Commission has a unique role as an independent, quasi-judicial, bipartisan agency designed to provide trade expertise to both the legislative and executive branches of the U.S. Government. Thus, Congress provided in section 175 of the Trade Act of 1974 (19 U.S.C. 2232) that the Commission budget not be subject to control by the Office of Management and Budget but would instead be submitted directly to Congress.

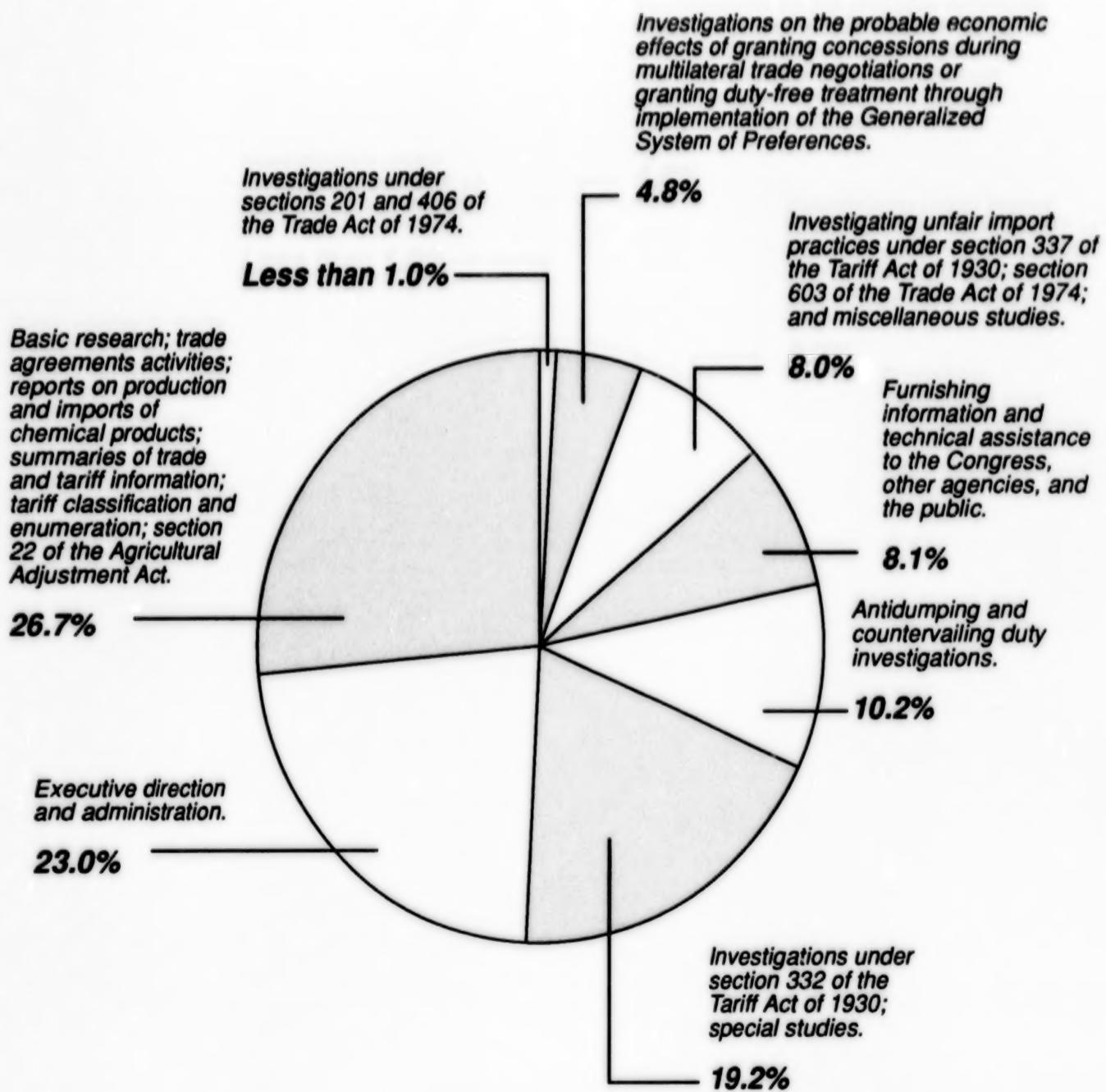
During FY 1990, appropriated funds made available to the Commission amounted to \$39,000,000. The Balanced Budget and Emergency Deficit Control Act of 1985 resulted in a \$523,000 sequester, which reduced the appropriation amount to \$38,477,000. Reimbursements received totaled \$28,000, making available a grand total of \$38,505,000. Obligations for FY 1989 and FY 1990 were as follows (in thousands of dollars):

Item	FY 1989	FY 1990
Salaries and personnel benefits .....	23,314	25,091
Travel and transportation .....	648	617
Rental and communications services .....	7,414	7,332
Other services .....	2,787	2,755
Printing and reproduction .....	202	245
Equipment, supplies, and material .....	1,373	1,626
<b>Subtotal</b> .....	<b>35,738</b>	<b>37,666</b>
Relocation .....	<sup>1</sup> (4)	<sup>2</sup> (3)
<b>Total</b> .....	<b>35,734</b>	<b>37,666</b>

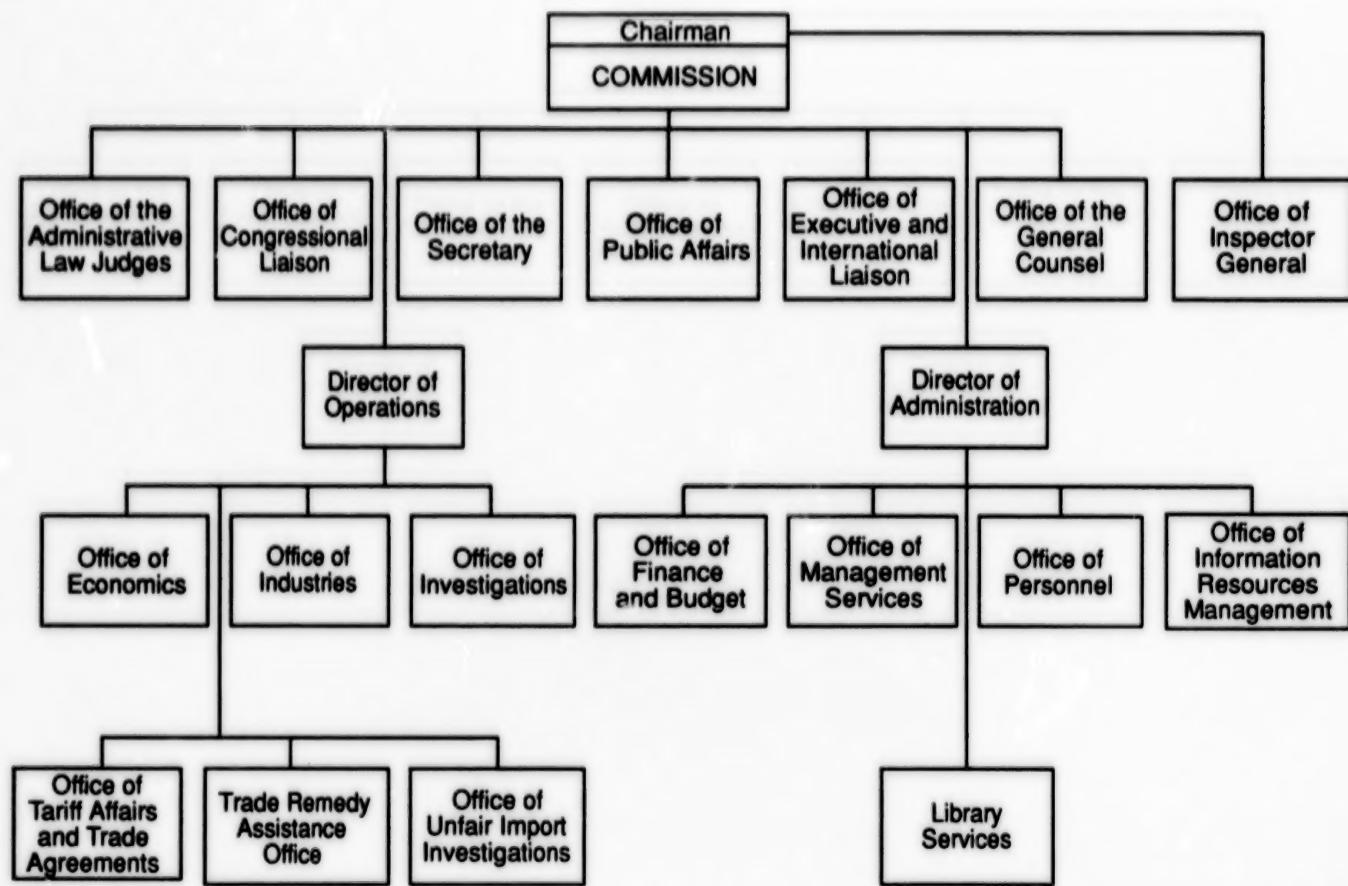
<sup>1</sup> Related to the Commission's relocation, which was completed in January 1988.

<sup>2</sup> Not applicable.

**FIGURE 1**  
**SUMMARY OF PRINCIPAL ACTIVITIES,**  
**FISCAL YEAR 1990**

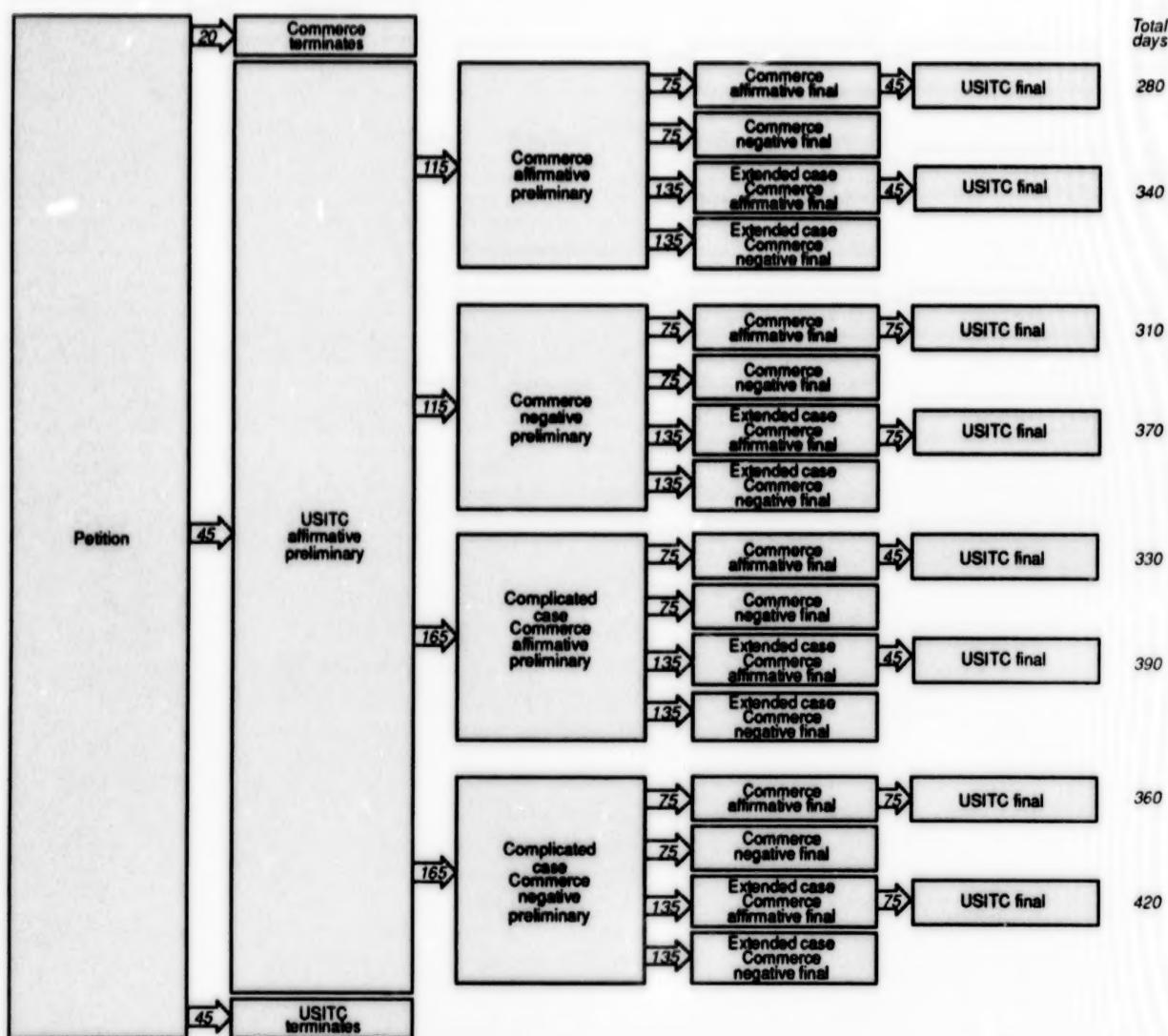


**FIGURE 2**  
**COMMISSION ORGANIZATION AND FUNCTIONS**

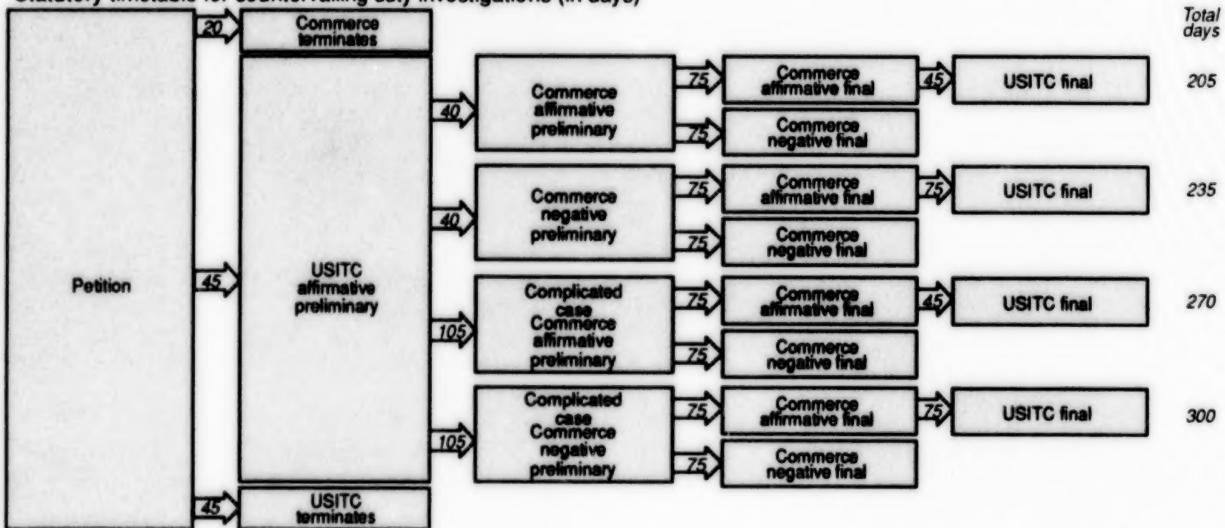


<b>The Commission</b>	The ITC is composed of six Commissioners nominated by the President and confirmed by the Senate.
<b>Office of the Secretary</b>	Compiles and maintains the Commission's official records and receives petitions and briefs.
<b>Office of the Administrative Law Judges</b>	Hears and decides unfair trade practice cases brought under section 337 of the Tariff Act of 1930.
<b>Office of Congressional Liaison</b>	Coordinates activities between the Commission and Congress and responds to inquiries from congressional offices.
<b>Office of Public Affairs</b>	Advises Commissioners and senior staff in public relations matters and plans and administers the media relations program.
<b>Office of Executive and International Liaison</b>	Coordinates relations between the Commission and the United States Trade Representative and other executive branch offices.
<b>Office of the General Counsel</b>	The Commission's principal legal advisor, responsible for litigation, input on investigations, and reports on proposed legislation.
<b>Office of Inspector General</b>	Directs and carries out audits and investigations of Commission programs and operations.
<b>Director of Operations</b>	Supervises all substantive work of the Offices of Investigations, Industries, Economics, Tariff Affairs and Trade Agreements, Unfair Import Investigations, and Trade Remedy Assistance Office.
<b>Office of Economics</b>	Provides economic analyses to help the Commission investigate the effects of U.S. foreign trade on domestic production, employment, and consumption and to provide expert advice to Congress and the President on international economic issues.
<b>Office of Industries</b>	Provides technical and economic information and assessments of U.S. industries and merchandise trade.
<b>Office of Investigations</b>	Coordinates the Commission's countervailing duty, antidumping, and review investigations, escape clause and market disruption investigations, and investigations under section 22 of the Agricultural Adjustment Act.
<b>Office of Tariff Affairs and Trade Agreements</b>	Prepares reports on tariff legislation, publishes U.S. tariff schedule, chairs import-export statistical committee, and participates in Harmonized System Committee.
<b>Office of Unfair Import Investigations</b>	Participates in all investigations conducted under section 337 of the Tariff Act of 1930.
<b>Trade Remedy Assistance Office</b>	Provides information to the public on remedies and benefits available under U.S. trade laws and offers technical assistance to eligible small businesses seeking relief under the trade remedy laws.
<b>Director of Administration</b>	Supervises support services of the Commission, which include Library Services and the Offices of Finance and Budget, Management Services, Information Resources Management, and Personnel.
<b>Office of Finance and Budget</b>	Responsible for the budget, payroll, and accounting functions.
<b>Office of Information Resources Management</b>	Provides information services and resources through the ongoing activities of its three divisions—Computer Services, Statistical Services, and Applications Development.
<b>Office of Management Services</b>	Coordinates mail, supply, and building maintenance services and editorial, design, printing, and procurement functions.
<b>Office of Personnel</b>	Recruits, places, and trains employees and administers position classification, benefits, employee relations, and labor relations programs.
<b>Library Services</b>	Provides library services (other than law) through the National Library of International Trade.

**FIGURE 3**  
**STATUTORY TIMETABLES FOR**  
**ANTIDUMPING AND COUNTERVAILING**  
**DUTY INVESTIGATIONS**



Statutory timetable for countervailing duty investigations (in days)



# APPENDICES

## Appendix A

### Summary of Investigations Completed During FY 1990 and Pending on September 30, 1990

Table 1

General investigations of trade and tariff matters completed under sec. 332 of the Tariff Act of 1930, FY 1990

Investigation No.	Subject	Origin	USITC Publication	
			No.	Date
332-273	Certain final judicial decisions relating to tariff treatment.	Required by subsec. 1211(d) of the Omnibus Trade and Competitiveness Act of 1988.	2309	August 1990
332-274	Investigation with respect to the operation of the harmonized system subtitle of the Omnibus Trade and Competitiveness Act of 1988.	Required by sec. 1216 of the Omnibus Trade and Competitiveness Act of 1988.	2296	June 1990
332-275	Competitive position of the U.S. gear industry in U.S. and global markets.	Request from the United States Trade Representative.	2278	April 1990
332-278	United States-Canada Free-Trade Agreement: Probable economic effect on U.S. industries and consumers of accelerated elimination of U.S. tariffs on certain articles from Canada.	Request from the United States Trade Representative, pursuant to authority delegated by the President.	( <sup>1</sup> )	October 1989
332-279 and TA-503(a)-18.	President's list of articles which may be designated or modified as eligible articles for purposes of the U.S. Generalized System of Preferences.	Request from the United States Trade Representative.	2236	December 1989
332-280	Survey of views on the impact of granting most favored nation status to the Soviet Union.	Request from the Committee on Finance, U.S. Senate.	2251	January 1990
332-281	Estimated tariff equivalents of U.S. quotas on agricultural imports and analysis of competitive conditions in U.S. and foreign markets for sugar, meat, peanuts, cotton, and dairy products.	Request from the United States Trade Representative.	2276 <sup>2</sup> 2280	April 1990 April 1990
332-284	Probable economic effect of redesignation of certain articles from certain countries as eligible for duty-free treatment under the U.S. Generalized System of Preferences.	Request from the United States Trade Representative.	2256 (vols. I and II)	February 1990

See footnotes at end of table.

**Table 1—Continued**  
**General investigations of trade and tariff matters completed under sec. 332 of the Tariff Act of 1930,  
 FY 1990**

Investi- gation No.	Subject	Origin	USITC Publication	
			No.	Date
332-285	Durum wheat: Conditions of competition between the U.S. and Canadian industries.	Request from the Committee on Ways and Means, U.S. House of Representatives and from the Committee on Finance, U.S. Senate.	2274	June 1990
332-286	Conditions of competition between United States- and Mexican-fabricated automotive glass in the U.S. market.	Request from the United States Trade Representative.	2299 <sup>3</sup>	July 1990
332-290 and TA-503(a)-20.	President's list of articles which may be designated or modified as eligible articles for purposes of the U.S. Generalized System of Preferences.	Request from the United States Trade Representative.	2289	June 1990
TA-131(b)-15	Probable economic effect of multilateral removal of trade barriers on imports of sugar, meat, peanuts, cotton, and dairy products.	Request from the United States Trade Representative.	(1)	September 1990

<sup>1</sup> Confidential report; no publication number is assigned.

<sup>2</sup> In order to avoid the appearance of a conflict of interest, Chairman Brundale recused herself from consideration of the portion of this investigation that has to do with the sugar industry.

<sup>3</sup> Commissioner Rohr recused himself from the investigation in order to avoid the possible appearance of a conflict of interest.

**Table 2**

General investigations of trade and tariff matters under sec 332 of the Tariff Act of 1930 pending on Sept. 30, 1990

Investigation No.	Subject	Origin	USITC Publication	
			No.	Date
332-175	Rum: Annual report on selected economic indicators.	Request from the Committee on Finance, U.S. Senate.	2288	July 1990
332-191	Nonrubber footwear quarterly statistical reports.	Request from the Committee on Finance, U.S. Senate.	2249 2266 2293 2313	January 1990 March 1990 June 1990 September 1990
332-200	Competitive position of U.S. producers of semiconductors.	Instituted by the U.S. International Trade Commission on its own motion.	( <sup>1</sup> )	( <sup>1</sup> )
332-207	Monthly reports providing information on the U.S. auto industry.	Request from the Subcommittee on Trade, Committee on Ways and Means, U.S. House of Representatives.	2229 2238 2244 2252 2259 2267 2279 2287 2294 2300 2308 2320	October 1989 November 1989 December 1989 January 1990 February 1990 March 1990 April 1990 May 1990 June 1990 July 1990 August 1990 September 1990
332-226	Monthly reports on the status of the steel industry.	Request from the Subcommittee on Trade, Committee on Ways and Means, U.S. House of Representatives.	2227 2230 2241 2248 2258 2262 2270 2283 2290 2298 2301 2310	October 1989 November 1989 December 1989 January 1990 February 1990 March 1990 April 1990 May 1990 June 1990 July 1990 August 1990 September 1990
332-227	Annual report on the impact of the Caribbean Basin Economic Recovery Act on U.S. industries and consumers.	Sec. 215(a), Caribbean Basin Economic Recovery Act.	2321	September 1990
332-237	Production sharing: U.S. imports under Harmonized Tariff Schedule subheadings 9802.00.60 and 9802.00.80 (formerly items 806.30 and 807.00 of the Tariff Schedules of the United States).	Instituted by the U.S. International Trade Commission on its own motion.	2243	December 1989
332-252	Annual surveys on ammonium paratungstate, tungstic acid, and tungsten oxide.	Presidential Proclamation 5718.	( <sup>2</sup> )	March 1990
332-262	The economic effects of significant U.S. import restraints.	Request from the Committee on Finance, U.S. Senate.	2314	September 1990
332-264	U.S. imports of lamb meat	As required by sec. 1937 of the Omnibus Trade and Competitiveness Act of 1988.	2261 <sup>3</sup>	December 1989

See footnotes at end of table.

**Table 2—Continued**

General investigations of trade and tariff matters under sec. 332 of the Tariff Act of 1930 pending on Sept. 30, 1990

Investi- gation No.	Subject	Origin	USITC Publication	
No.	Date			
332-267	The effects of greater economic integration within the European Community on the United States.	Request from the Committee on Ways and Means, U.S. House of Representatives, and the Committee on Finance, U.S. Senate.	2268 2318	March 1990 September 1990
332-282	Review of Mexico's recent trade and investment liberalization measures and prospects for future United States-Mexican trade relations. Phase I: Recent trade and investment reforms undertaken by Mexico and implications for the United States.	Request from the Committee on Ways and Means, U.S. House of Representatives.	2275	April 1990
332-283	Japan's distribution system and options for improving U.S. access.	Request from the Committee on Ways and Means, U.S. House of Representatives.	2291	June 1990
332-287	International agreements to protect the environment and wildlife.	Request from the Committee on Finance, U.S. Senate.	(1)	(1)
332-288	Ethyl alcohol for fuel use: Determination of the base quantity of imports.	Sec. 7 of the Steel Trade Liberalization Program Implementation Act.	(1)	(1)
332-289	Steel industry: Annual report on competitive conditions in the industry and industry efforts to adjust and modernize.	Request from the United States Trade Representative.	2316	September 1990
332-291	Tuna: Competitive conditions affecting the U.S. and European tuna industries in domestic and foreign markets.	Request from the Committee on Finance, U.S. Senate, and the Committee on Ways and Means, U.S. House of Representatives.	(1)	(1)
332-292	California pesticide residue initiative: Probable effects on U.S. international trade in agricultural food products.	Request from the United States Trade Representative.	2323	September 1990
332-293	Services: Compilation and identification of U.S. measures that may not conform with principles the United States is seeking in the Uruguay Round.	Request from the United States Trade Representative.	(1)	(1)
332-294	Identification of U.S. advanced-technology manufacturing industries for monitoring and possible comprehensive study.	Request from the Committee on Finance, U.S. Senate.	2319	September 1990

**Table 2—Continued**  
**General investigations of trade and tariff matters under sec. 332 of the Tariff Act**  
**of 1930 pending on Sept. 30, 1990**

Investigation No.	Subject	Origin	USITC Publication	
			No.	Date
332-295 and TA-503(a)-21.	President's list of articles which may be designated or modified as eligible articles for purposes of the U.S. Generalized System of Preferences.	Request from the United States Trade Representative.	(1)	(1)
332-296	Ice hockey pants and monofilament polyurethane yarns: Probable economic effect of elimination of U.S. tariffs under the United States-Canada Free-Trade Agreement.	Request from the United States Trade Representative.	(1)	(1)

<sup>1</sup> Not applicable.

<sup>2</sup> Confidential report; no publication number is assigned.

<sup>3</sup> Investigation 332-264 (Interim Report) was completed in December 1989. The public report, USITC Publication 2261, was issued in February 1990.

Table 3  
Investigations completed under sec. 337 of the Tariff Act of 1930, FY 1990

Article concerned	Complainant	Complaint filed	Date of publication of notice in <i>Federal Register</i> and Investigation No.	Public hearing	Finding and remedy of Commission	Date orders issued	USITC Publication No.
Certain electric power tools, battery cartridges, and battery chargers.	Makita, USA, Inc.; Cerritos, CA. Makita Corp. of America; Buford, GA.	4-1-88; 7-7-88, 7-25-88, 7-27-88, and 7-29-88 (supplements).	8-17-88; 337-TA-284.	( <sup>1</sup> )	Violation <sup>2</sup>	2-20-90	( <sup>1</sup> )
Certain concealed cabinet hinges and mounting plates.	Julius Blum, Inc.; Stanley, NC.	11-23-88; 12-13-88 (supplement).	12-28-88; 337-TA-289.	( <sup>1</sup> )	Terminated <sup>3</sup>	12-28-89	( <sup>1</sup> )
Certain wire electrical discharge machining apparatus and components thereof.	Elox Corp.; Davidson, NC. A.G. Fur Industrielle Elektronik (AGIE); Losone, Switzerland.	1-23-89; 2-8-89 (supplement).	3-8-89; 337-TA-290.	( <sup>1</sup> )	Violation <sup>4</sup>	3-9-90	( <sup>1</sup> )
Certain insulated security chests.	John D. Brush & Co., Inc.; Rochester, NY.	1-25-89; 2-8-89 (supplement).	3-8-89; 337-TA-291.	( <sup>1</sup> )	Terminated; no violation.	4-10-90	( <sup>1</sup> )
Certain methods of making carbonated candy products.	General Foods Corp.; White Plains, NY. Carbonated Candy Ventures; Buffalo, NY. Pop Rocks, Inc.; Stamford, CT.	1-31-89; 2-21-89 (amendment & supplement).	3-8-89; 337-TA-292.	( <sup>1</sup> )	Terminated; no violation.	3-8-90	( <sup>1</sup> )
Certain crystalline cefadroxil monohydrate.	Bristol-Myers Co.; New York, NY.	2-1-89; 2-24-89 (supplement).	3-15-89; 337-TA-293.	( <sup>1</sup> )	Violation <sup>5</sup>	3-15-90	( <sup>1</sup> )
Certain novelty teleoscopes.	Homespun Imports, Inc., d/b/a Silver Deer Ltd.; Boulder, CO.	3-7-89; 3-29-89, 3-30-89, and 4-3-89 (supplements).	4-13-89; 337-TA-295.	( <sup>1</sup> )	Violation <sup>6</sup>	4-11-90	( <sup>1</sup> )
Certain phenylene sulfide polymers, polymer compounds, and products containing same	Phillips Petroleum Co.; Bartlesville, OK.	3-20-89; 4-5-89 and 4-6-89 (supplements).	4-27-89; 337-TA-296.	( <sup>1</sup> )	Terminated <sup>7</sup>	12-21-89	( <sup>1</sup> )
Certain cellular radiotelephones and subassemblies and component parts thereof.	Motorola, Inc.; Schaumburg, IL.	4-19-89; 5-9-89 (supplement).	5-31-89; 337-TA-297.	( <sup>1</sup> )	Terminated <sup>7</sup>	12-29-89	( <sup>1</sup> )

See footnotes at end of table.

Table 3—Continued

Investigations completed under sec. 337 of the Tariff Act of 1930, FY 1990

Article concerned	Complainant	Complaint filed	Date of publication of notice in <i>Federal Register</i> and Investigation No.	Public hearing	Finding and remedy of Commission	Date orders issued	USITC Publication No.
Certain low-friction drawer supports, components thereof, and products containing same.	GWN, Inc., d/b/a Delta Industries; Chatsworth, CA.	4-26-89; 5-9-89 (supplement).	5-31-89; 337-TA-298.	( <sup>1</sup> )	Terminated <sup>6</sup>	11-24-89	( <sup>1</sup> )
Certain imported artificial breast prostheses and the manufacturing processes therefor.	Amoena Corp.; Marietta, GA.	6-2-89; 7-6-89 and 7-21-89 (supplements).	8-2-89; 337-TA-301.	( <sup>1</sup> )	Terminated <sup>7</sup>	4-13-90	( <sup>1</sup> )
Certain self-inflating mattresses.	Cascade Designs, Inc.; Seattle, WA.	7-10-89	8-16-89; 337-TA-302.	( <sup>1</sup> )	Terminated <sup>8</sup>	4-11-90	( <sup>1</sup> )
Certain aramid fiber honeycomb, unexpanded block or slice precursor of such aramid fiber honeycomb & carved or contoured blocks, etc.	Hexcel Corp.; Dublin, CA.	9-27-89	11-8-89; 337-TA-305.	( <sup>1</sup> )	Terminated <sup>6</sup>	8-31-90	( <sup>1</sup> )
Certain bath accessories and component parts thereof.	Baldwin Hardware Corp.; Reading, PA.	9-28-89; 10-23-89 (supplement).	11-8-89; 337-TA-306.	( <sup>1</sup> )	Terminated <sup>6</sup>	6-26-90	( <sup>1</sup> )
Certain catalyst components and catalysts for the polymerization of olefins.	Himont Inc. & Himont U.S.A., Inc.; Wilmington, DE.	10-6-89; 10-19-89 (supplement).	11-8-89; 337-TA-307.	( <sup>1</sup> )	Terminated <sup>10</sup>	7-16-90	( <sup>1</sup> )
Certain key blanks for keys of high-security cylinder locks.	Medeco Security Locks, Inc.; Salem, VA.	10-26-89	11-29-89; 337-TA-308.	( <sup>1</sup> )	Violation <sup>11</sup>	8-23-90	( <sup>1</sup> )
Certain athletic shoes with viewing windows.	Autry Industries, Inc.; Dallas, TX.	12-15-89	1-24-90; 337-TA-309.	( <sup>1</sup> )	Terminated <sup>7</sup>	8-7-90	( <sup>1</sup> )
Certain pyrethrins and pyrethroid-based insecticides.	Roussel-UCLA, S.A.; Paris, France UCLAF Corp.; Englewood, NJ. Roussel Bio Corp.; Englewood, NJ.	2-12-90; 3-9-90 (supplement).	3-21-90; 337-TA-310.	( <sup>1</sup> )	Terminated <sup>7</sup>	6-7-90	( <sup>1</sup> )

See footnotes at end of table.

Table 3—Continued  
Investigations completed under sec. 337 of the Tariff Act of 1930, FY 1990

Article concerned	Complainant	Complaint filed	Date of publication of notice in <i>Federal Register</i> and Investigation No.	Public hearing	Finding and remedy of Commission	Date orders issued	USITC Publication No.
Certain dynamic random access memories, static random access memories, components thereof, and products containing same.	SGS-Thomson Microelectronics, Inc.; Carrollton, TX.	3-26-90; 4-13-90 (supplement).	5-3-90; 337-TA-312.	( <sup>1</sup> )	Terminated <sup>7</sup>	8-29-90	( <sup>1</sup> )

<sup>1</sup> Not applicable.

<sup>2</sup> Cease-and-desist order. President took no action; became final 5-1-90.

<sup>3</sup> Dismissed with prejudice, no violation.

<sup>4</sup> Limited exclusion order and cease-and-desist order. President took no action; became final 5-2-90.

<sup>5</sup> Limited exclusion order and cease-and-desist order. President took no action; became final 5-15-90.

<sup>6</sup> Limited exclusion order. President took no action; became final 6-10-90.

<sup>7</sup> Settlement agreement.

<sup>8</sup> Consent order.

<sup>9</sup> Voluntarily dismissed with prejudice.

<sup>10</sup> For lack of an indispensable party.

<sup>11</sup> Limited exclusion order. Presidential review period not over at end of fiscal year.

**Table 4**  
**Investigations under sec. 337 of the Tariff Act of 1930 pending on Sept. 30, 1990**

<b>Articles concerned</b>	<b>Complainant</b>	<b>Complaint filed</b>	<b>Date of publication of notice in <i>Federal Register</i> and Investigation No.</b>
Certain doxorubicin and preparations containing same.	Erbamont, Inc.; Stamford, CT.	5-21-89; 6-5-89 (supplement).	6-21-89; 337-TA-300.
Certain polymer geogrid products and processes thereof.	Tensar Corp.; Morrow, GA.	8-10-89; 8-31-89 (supplement).	9-20-89; 337-TA-303.
Certain pressure transmitters	Rosemount, Inc.; Eden Prairie, MN.	9-15-89; 10-6-89 (supplement).	10-20-89; 337-TA-304.
Certain air impact wrenches	Ingersoll-Rand Co.; Liberty Corner, NJ.	3-26-90; 4-12-90 and 4-20-90 (amendment).	5-3-90; 337-TA-311.
Certain process, apparatus, and components thereof for the production of spunbond nonwoven fabric, and fabric made therefrom.	Kimberly-Clark Corp.; Roswell, GA.	4-2-90; 4-19-90 (supplement).	5-9-90; 337-TA-313.
Certain battery-powered ride-on toy vehicles and components thereof.	Kransco; San Francisco, CA.	5-15-90; 6-8-90 (supplement).	6-20-90; 337-TA-314.
Certain plastic encapsulated integrated circuits.	Texas Instruments Inc.; Dallas, TX.	7-19-90	8-15-90; 337-TA-315.
Certain power transmission chains, chain components thereof, and products containing the same.	Borg-Warner Corp.; Chicago, IL. Borg-Warner Automotive, Inc.; Sterling Heights, MI.	7-9-90; 7-13-90; 7-17-90; and 7-25-90 (supplement & amendment).	8-15-90; 337-TA-316.
Certain internal mixing devices and components thereof.	Farrel Corp.; Ansonia, CT.	7-24-90; 8-8-90 (amendment) 8-9-90; 8-10-90 (supplements).	8-29-90; 337-TA-317.
Certain antiknock ignition systems and automobiles or automobile component parts containing same.	John A. McDougal, P.E.; Detroit, MI.	8-20-90; 9-5-90 (supplement).	9-27-90; 337-TA-318.

Table 5  
Countervailing duty investigations completed under sec. 701 of the Tariff Act of 1930,  
FY 1990

Investiga- tion No.	Article con- cerned	Preliminary Investigation					Final Investigation							
		(a) Request received	(b) Confer- ence	(c) Report to Secre- tary of Com- merce	Affirm-a- tive	Nega- tive	Not partic- ipating	USITC Pub- lic- ation No.	(a) Advice received from Commerce	(b) Hearing Report to Secre- tary of Com- merce	Affirma- tive	Nega- tive	Not partic- ipating	USITC Publi- cation No.
701-TA-299	Aluminum sulfate from Venezuela.	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	2246	(a) 8-9-89 (b) 10-26-89 (c) 12-6-89	Cass Eckes Lodwick Rohr Newquist	Brunsdale	( <sup>1</sup> )	( <sup>1</sup> )	2242
701-TA-301	Plastic tubing corrug- ators from Canada.	(a) (b) (c)	11-7-89 11-28-89 12-22-89	Brunsdale Cass	Eckes Lodwick Rohr Newquist	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	
701-TA-302	Fresh and chilled Atlantic salmon from Norway.	(a) (b) (c)	2-28-90 3-21-90 4-16-90	Brunsdale Cass Eckes Lodwick Rohr Newquist	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	2272	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	
701-TA-303	Certain sodium sulfur chemical com- pounds from Turkey.	(a) (b) (c)	7-9-90 7-31-90 8-23-90	Brunsdale Lodwick Rohr Newquist	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	2307	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	

<sup>1</sup> Not applicable.

**Table 6**  
Antidumping investigations completed under sec. 731 of the Tariff Act of 1930, FY 1990

Investigation No.	Article concerned	Preliminary Investigation					Final Investigation					USITC Publication No.	
		(a) Request received			USITC Publication No.	(a) Advice received from Commerce			(b) Hearing Report to Secretary of Commerce				
		(b) Conference	(c) Report to Secretary of Commerce	Affirmative		Negative	Not participating	(b) Hearing Report to Secretary of Commerce	Affirmative	Negative	Not participating		
731-TA-341 (Remand).	Tapered roller bearings and parts thereof and certain housings incorporating tapered rollers from Hungary.	(1)	(1)	(1)	(1)	(1)	(1)	(a) 11-6-89 (b) (1) (c) 12-21-89	(1)	Brunsdale Cass Eckes Lodwick Rohr Newquist	(1)	2245	
731-TA-426 and 731-TA-428.	Certain telephone systems and sub-assemblies thereof from Japan and Taiwan.	(1)	(1)	(1)	(1)	(1)	(1)	(a) 8-2-89 (b) 10-31-89 (c) 11-29-89	Eckes Rohr Newquist	Brunsdale Cass Lodwick	(1)	2237	
731-TA-427	Certain telephone systems and sub-assemblies thereof from the Republic of Korea.	(1)	(1)	(1)	(1)	(1)	(1)	(a) 8-2-89 (b) 10-31-89 (c) 1-31-90	Eckes Rohr Newquist	Brunsdale Cass Lodwick	(1)	2254	
731-TA-429	Mechanical transfer presses from Japan.	(1)	(1)	(1)	(1)	(1)	(1)	(a) 8-18-89 (b) 1-4-90 (c) 2-8-90	Cass Eckes Lodwick Rohr Newquist	Brunsdale	(1)	2257	
731-TA-431	Aluminum sulfate from Venezuela.	(1)	(1)	(1)	(1)	(1)	(1)	(a) 8-9-89 (b) 10-26-89 (c) 12-6-89	Cass Eckes Lodwick Rohr Newquist	Brunsdale	(1)	2242	
731-TA-432	Drafting machines and parts thereof from Japan.	(1)	(1)	(1)	(1)	(1)	(1)	(a) 8-25-89 (b) 11-14-89 (c) 12-22-89	Brunsdale Cass Eckes Lodwick Rohr Newquist	(1)	(1)	2247	

See footnotes at end of table.

Table 6—Continued  
Antidumping investigations completed under sec. 731 of the Tariff Act of 1930, FY 1990

Investiga- tion No.	Article con- cerned	Preliminary Investigation					Final Investigation							
		(a) Request received	(b) Confer- ence	(c) Report to Secre- tary of Com- merce	Affirma- tive	Nega- tive	Not partici- pating	USITC Pub- lica- tion No.	(a) Advice received from Commerce	(b) Hearing Report to Secre- tary of Com- merce	Affirma- tive	Nega- tive	Not partici- pating	USITC Pub- lica- tion No.
731-TA-433	Certain residen- tial door locks and parts thereof from Tai- wan.	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	(a) 10-6-89 (b) 12-21-89 (c) 2-2-90	Lodwick	Brunsdale Cass Eckes Rohr Newquist	( <sup>1</sup> )	2253		
731-TA-435	Certain steel pails from Mexico.	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	(a) 11-15-89 (b) 3-27-90 (c) 5-7-90	( <sup>1</sup> )	Brunsdale Cass Eckes Lodwick Rohr Newquist	( <sup>1</sup> )	2277		
731-TA-438 (terminated 3-29-90).	Limou- sines from Canada.	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	(a) 1-9-90	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )		
731-TA-439 through 731-TA-444.	Industrial nitro- cellulose from Brazil, Japan, People's Republic of China, Republic of Korea, United Kingdom, and West Germany.	(a) 9-19-89 (b) 10-11-89 (c) 11-3-89	Brunsdale Cass Eckes Lodwick Rohr Newquist	( <sup>1</sup> )	( <sup>1</sup> )	2231	(a) 3-1-90 (b) 5-29-90 (c) 6-28-90	Brunsdale Eckes Lodwick Rohr Newquist	( <sup>1</sup> )	( <sup>1</sup> )	2295			
731-TA-445	Industrial nitro- cellulose from Yugo- slavia.	(a) 9-19-89 (b) 10-11-89 (c) 11-3-89	Brunsdale Cass Eckes Lodwick Rohr Newquist	( <sup>1</sup> )	( <sup>1</sup> )	2231	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )		
731-TA-446 and 731-TA-447.	Poly- chloro- prene from France and West Germany.	(a) 9-22-89 (b) 10-13-89 (c) 11-6-89	( <sup>1</sup> )	Brunsdale Cass Eckes Lodwick Rohr Newquist	( <sup>1</sup> )	2233	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )		

See footnotes at end of table.

Table 6—Continued  
Antidumping investigations completed under sec. 731 of the Tariff Act of 1930, FY 1990

Investigation No.	Article concerned	Preliminary Investigation					Final Investigation							
		(a) Request received	(b) Conference Report to Secretary of Commerce	(c) Report to Secretary of Commerce	Affirmative	Negative	Not participating	USITC Publication No.	(a) Advice received from Commerce	(b) Hearing Report to Secretary of Commerce	(c) Report to Secretary of Commerce	Affirmative	Negative	Not participating
731-TA-448 through 731-TA-450.	Sweaters wholly or in chief weight of man-made fiber from Hong Kong, the Republic of Korea, and Taiwan.	(a) 9-22-89 (b) 10-12-89 (c) 11-6-89	Brunsdale Cass Eckes Lodwick Rohr Newquist	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	2234	(a) 4-27-90 (b) 8-9-90 (c) 9-10-90	Lodwick Rohr	Newquist	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	2312
731-TA-451	Gray portland cement and cement clinker from Mexico.	(a) 9-26-89 (b) 10-17-89 (c) 11-13-89	Brunsdale Cass Eckes Lodwick Rohr	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	Newquist <sup>3</sup>	2235	(a) 4-6-90 (b) 7-19-90 (c) 8-23-90	Brunsdale Lodwick	Rohr	( <sup>1</sup> )	( <sup>1</sup> )	2305
731-TA-452	Pressure-sensitive PVC battery covers from West Germany.	(a) 1-19-90 (b) 2-9-90 (c) 3-5-90	( <sup>1</sup> )	Brunsdale Cass Eckes Lodwick Rohr Newquist	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	2265	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )
731-TA-453	Electro-mechanical digital counters from Brazil.	(a) 2-27-90 (b) 3-20-90 (c) 4-13-90	Brunsdale Cass	Eckes Lodwick Rohr Newquist	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	2273	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )
731-TA-454	Fresh and chilled Atlantic salmon from Norway.	(a) 2-28-90 (b) 3-21-90 (c) 4-16-90	Brunsdale Cass Eckes Lodwick Rohr Newquist	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	2272	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )

See footnotes at end of table.

Table 6—Continued  
Antidumping investigations completed under sec. 731 of the Tariff Act of 1930, FY 1990

Investigation No.	Article concerned	Preliminary Investigation					Final Investigation								
		(a) Request received (b) Conference (c) Report to Secretary of Commerce			Affirmative	Negative	Not participating	USITC Pub-licat-ion No.	(a) Advice received from Commerce (b) Hearing Report to Secretary of Commerce			Affirmative	Negative	Not participating	USITC Pub-licat-ion No.
		(a)	(b)	(c)					(b)	(c)					
731-TA-455	Multi-angle laser light-scattering instruments and parts thereof from Japan.	(a) 3-19-90 (b) 4-11-90 (c) 5-3-90	Eckes Lodwick Rohr Newquist	Brunsdale Cass	( <sup>1</sup> )			2282	( <sup>1</sup> )		( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	
731-TA-456	Phototype-setting and image-setting machines and sub-assemblies thereof from West Germany.	(a) 3-20-90 (b) 4-11-90 (c) 5-4-90	Brunsdale Cass Eckes Lodwick Rohr Newquist	( <sup>1</sup> )	( <sup>1</sup> )		2281	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	
731-TA-457	Heavy forged handtools from the People's Republic of China.	(a) 4-4-90 (b) 4-25-90 (c) 5-21-90	Brunsdale Cass Eckes Lodwick Rohr Newquist	( <sup>1</sup> )	( <sup>1</sup> )		2284	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	
731-TA-458 through 731-TA-460.	Polyethylene terephthalate film, sheet, and strip from Japan, Republic of Korea, and Taiwan.	(a) 4-27-90 (b) 5-18-90 (c) 6-11-90	Cass Eckes Lodwick Rohr Newquist	( <sup>1</sup> )	Brunsdale <sup>4</sup>	2292	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	
731-TA-461	Gray portland cement and cement clinker from Japan.	(a) 5-18-90 (b) 6-8-90 (c) 7-2-90	Brunsdale Eckes Lodwick Rohr Newquist	( <sup>1</sup> )		2297	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	

See footnotes at end of table.

Table 6—Continued  
Antidumping investigations completed under sec. 731 of the Tariff Act of 1930, FY 1990

Investiga- tion No.	Article con- cerned	Preliminary Investigation					Final Investigation								
		(a) Request received (b) Confer- ence (c) Report to Secre- tary of Com- merce			Affirma- tive	Negative	Not partici- pating	USITC Pub- lica- tion No.	(a) Advice received from Commerce (b) Hearing Report to Secre- tary of Com- merce			Affirma- tive	Negative	Not partici- pating	USITC Pub- lica- tion No.
		(a)	(b)	(c)					(a)	(b)	(c)				
731-TA-462	Benzyl paraben from Japan.	(a) 6-29-90 (b) 7-20-90 (c) 8-13-90	Brunsdale Lodwick Rohr Newquist	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	2303	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	
731-TA-463 (terminated 7-16-90).	Benzyl paraben from United Kingdom.	(a) 6-29-90	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	
731-TA-464	Sparklers from the People's Republic of China.	(a) 7-2-90 (b) 7-24-90 (c) 8-16-90	Brunsdale Lodwick Rohr Newquist	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	2306	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	
731-TA-465 through 731-TA-468.	Certain sodium sulfur chemical compounds from West Germany, China, Turkey, and the United Kingdom.	(a) 7-9-90 (b) 7-31-90 (c) 8-23-90	Brun- sdale <sup>5</sup> Lodwick <sup>6</sup> Rohr <sup>6</sup> New- quist <sup>6</sup>	Brun- sdale <sup>7</sup> Lodwick <sup>8</sup> Rohr <sup>8</sup> Newquist <sup>8</sup>	( <sup>1</sup> )	( <sup>1</sup> )	2307	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	
731-TA-469	High- infor- mation- content flat- panel dis- plays and sub- assem- blies thereof from Japan.	(a) 7-18-90 (b) 8-7-90 (c) 9-5-90	Brunsdale Lodwick Rohr Newquist	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	2311	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	

<sup>1</sup> Not applicable.

<sup>2</sup> Chairman Brunsdale recused herself from the investigation in order to avoid the appearance of a conflict of interest.

<sup>3</sup> Commissioner Newquist recused himself from the investigation to avoid the possible appearance of a conflict of interest.

<sup>4</sup> Chairman Brunsdale recused herself from the investigation in order to avoid the appearance of an impropriety.

<sup>5</sup> With respect to imports of Sodium Metabisulfite from the United Kingdom.

<sup>6</sup> With respect to imports of Sodium Thiosulfate from West Germany, China, and the United Kingdom.

<sup>7</sup> With respect to imports of Sodium Thiosulfate from West Germany, China, Turkey, and the United Kingdom and Sodium Metabisulfite from China and Turkey.

<sup>8</sup> With respect to imports of Sodium Metabisulfite from West Germany, China, Turkey, and the United Kingdom and Sodium Thiosulfate from Turkey.

**Table 7**  
**Antidumping and countervailing duty investigations pending on Sept. 30, 1990**

<b>Investigation No.</b>	<b>Article concerned</b>	<b>Effective date</b>
731-TA-470 through 472(P).	Silicon metal from Argentina, Brazil, and the People's Republic of China.	8-24-90
731-TA-234(F)(Remand)	Carbon steel structural shapes from Norway.	11-30-88
731-TA-300(F)(Suspended)	Dynamic random-access memory semiconductors (DRAMs) of 256 kilobits and above from Japan.	3-14-86
731-TA-374(F)(Suspended)	Potassium chloride from Canada	8-25-87
731-TA-445(F)	Industrial nitrocellulose from Yugoslavia.	4-19-90
731-TA-455(F)	Multiangle light-scattering instruments and parts thereof from Japan.	7-6-90
701-TA-304(P)	Silicon metal from Brazil	8-24-90
701-TA-254(F)(Suspended)	Certain red raspberries from Canada	12-26-85
701-TA-298 (F)(Remand)	Fresh, chilled, or frozen pork from Canada.	8-23-90
701-TA-302(F)	Fresh and chilled Atlantic salmon from Norway.	6-26-90

**Table 8**  
Escape clause investigation completed under sec. 201 of the Trade Act of 1974, FY 1990

Investigation No.	Article concerned	Petitioner or requestor	Petition or request filed	Public hearing	Finding of Commission	Commissioners' vote		Commission's report	
						Affirmative	Negative	To the President	USITC Publication No.
TA-201-62	Certain cameras.	Keystone Camera Co.	3-29-90	6-20-90	( <sup>1</sup> )	( <sup>1</sup> )	Brunsdale Lodwick Rohr Newquist	9-28-90	2315

<sup>1</sup> Not applicable.

**Table 9**  
Investigation under sec. 22 of the Agricultural Adjustment Act, completed Sept. 30, 1990

Investigation No.	Article concerned	Re-quest re-ceived	Date investigation instituted	Public hearing	Finding and recommendations	Date report was—		
						Submitted to President	Released by President	USITC Publication No.
22-51	Cotton comber waste.	7-25-89	8-18-89	11-28-89	In confidence	January 1990	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Not applicable.

## Appendix B

### Statutes Involving the U.S. International Trade Commission

#### Key Statutes

##### Section 201, Trade Act of 1974 (Escape Clause Investigations), Import Relief for Domestic Industries

Section 201 provides a procedure whereby domestic industries seriously injured by increased imports can petition for import relief generally in the form of tariffs or quantitative restrictions. To be found eligible for relief under section 201, industries need not prove that an unfair trade practice exists, as is necessary under the antidumping and countervailing duty laws and section 337 of the Tariff Act of 1930. However, under section 201, a greater degree of injury—"serious" injury—must be found to exist, and imports must be a "substantial" cause (not less than any other cause) of that injury. In addition, relief under section 201, although temporary, should be tailored to the needs of the injured industry and should facilitate positive adjustment to import competition.

Criteria for import relief set forth under section 201 are based on article XIX of the General Agreement on Tariffs and Trade (GATT), an international agreement to which the United States is a signatory. Article XIX of the GATT is referred to as the escape clause, because it permits a country to "escape" temporarily from its obligations under the GATT with respect to a product when increased imports of that product are causing or are threatening to cause serious injury to domestic producers of a like or directly competitive product. Commission investigations under section 201 provide a basis for the President to invoke article XIX.

**When:** The Commission conducts investigations upon receipt of a petition from a firm, trade association, group of workers, or other entity representative of a domestic industry; upon receipt of a request from the President or the Office of the United States Trade Representative (USTR); upon receipt of a resolution of the House Committee on Ways and Means or the Senate Committee on Finance, or upon its own motion. The statute directs the Commission to determine whether a product is being imported in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

**Duration:** In general, the Commission must make its injury finding within 120 days and must transmit its report, together with any recommendations with respect to relief, within 180 days of receipt of the petition, request, resolution, or institution on its own motion.

**Finding:** If the Commission finding is affirmative, it must recommend a remedy to the President, who has discretion to take action to provide import relief, which could be in the form of a tariff increase, quantitative restrictions, or orderly marketing agreements.

**Followup:** The Commission reports on developments within an industry that has been granted import relief and advises the President of the probable economic effect on the industry of the reduction, modification, or termination of the relief in effect. At the conclusion of any relief action, the Commission is required to report to the President and the Congress on the effectiveness of the relief action in facilitating the positive adjustment of the domestic industry to import competition. (For further information, see sec. 201 of the Trade Act of 1974, 19 U.S.C. 2251.)

##### Section 337, Tariff Act of 1930, Investigations of Unfair Practices in Import Trade

Under section 337, the Commission applies U.S. statutory and common law of unfair competition to the importation of products into the United States and their sale. Section 337 declares unlawful unfair methods of competition and unfair acts in the importation and sale of products in the United States, the threat or effect of which is to destroy or substantially injure a domestic industry, prevent the establishment of such an industry, or restrain or monopolize trade and commerce in the United States. Section 337 also declares as unlawful per se infringement of a valid and enforceable U.S. patent, copyright, registered trademark, or mask work; no resulting injury need be found.

Section 337 investigations require formal evidentiary hearings in accordance with the Administrative Procedure Act (5 U.S.C. 551 et seq.). The hearings are held before an administrative law judge (ALJ). Parties to these investigations include complainants, respondents, and the Commission attorney representing the public. Following a hearing, the ALJ issues an initial determination on all issues in relation to violations of section 337. The Commission may exercise its right to review and may reverse the ALJ decision. Complainants may seek temporary relief pending final resolution of the case.

**When:** After receipt of a complaint under oath from an interested party or upon its own motion, the Commission conducts investigations to determine whether unfair methods of competition or unfair acts are occurring in the importation of articles into the United States or in their sale.

**Duration:** The investigation must be completed in no more than 1 year, or 18 months in a more complicated case, after the date of publication of notice of investigation in the *Federal Register*.

**Finding:** In general, if the Commission finds that the importation of such articles is such that the threat or effect is to destroy or substantially injure an industry, prevent the establishment of such an industry, or restrain or monopolize trade and commerce in the United States, it may issue orders excluding the products from entry and/or directing the violating parties to cease and desist from certain actions. However, in the case of importations that infringe a U.S. patent, copyright, registered trademark, or mask work, the Commission may issue an exclusion and/or cease and desist order without having to find a threat or effect to destroy or substantially injure an industry, prevent the establishment of such an industry, or restrain or monopolize trade and commerce. Commission orders become effective unless disapproved by the President for policy reasons within 60 days of issuance. Appeals of Commission orders are heard by the Court of Appeals for the Federal Circuit. Violators of Commission section 337 orders are liable for civil penalties of up to \$100,000 a day or twice the value of the imported articles. (For further information, see sec. 337 of the Tariff Act of 1930, 19 U.S.C. 1337.)

#### **Title VII of the Tariff Act of 1930**

Under title VII of the Tariff Act of 1930 (19 U.S.C. 1671, as added by the Trade Agreements Act of 1979), the Commission conducts preliminary and final investigations to determine whether (in preliminary investigations) there is a reasonable indication or whether (in final investigations) a U.S. industry is materially injured or threatened with material injury, or the establishment of such an industry is materially retarded, by reason of imports of merchandise that is being sold at less than fair value (dumped) or that is benefiting from foreign subsidies. The U.S. Department of Commerce determines whether dumping or subsidies exist and, if so, the margin of dumping or amount of the subsidy.

#### **Section 703(a), Tariff Act of 1930 (Preliminary Countervailing Duty Investigations), Subsidized Imports**

**When:** After the simultaneous filing of proper petitions with it and the U.S. Department of Commerce, the Commission conducts investigations to determine, on the basis of the best information available to it at the time of the determination (1) whether there is a reasonable indication that an industry is materially injured, or is threatened with material injury, or (2) whether the establishment of an industry is materially retarded, by reason of imports of the allegedly subsidized merchandise that is the subject of the investigation by Commerce.

**Duration:** The investigation must be completed within 45 days of the receipt of the petition.

**Finding:** If both the Commerce Department and the Commission determinations are affirmative, Commerce continues its investigation.

#### **Section 705(b), Tariff Act of 1930 (Final Countervailing Duty Investigations), Subsidized Imports**

**When:** After a preliminary determination by the Secretary of Commerce that imported products are subsidized, the Commission conducts an investigation to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the subsidized merchandise.

**Duration:** The investigation must usually be completed within 120 days after an affirmative preliminary determination by the Secretary of Commerce or 45 days after an affirmative final determination by the Secretary of Commerce that a subsidy is being provided, whichever is longer.

**Finding:** If the Commission determination is affirmative, the Secretary of Commerce issues a countervailing duty order. (For further in-

formation, see section 701 et seq. of the Tariff Act of 1930, 19 U.S.C. 1671 et seq.)

#### **Section 733(a), Tariff Act of 1930 (Preliminary Antidumping Investigations), Imports Marketed at Less Than Fair Value**

**When:** After the simultaneous filing of a proper petition with it and the U.S. Department of Commerce, the Commission conducts investigations to determine, on the basis of the best information available to it at the time of the determination, whether there is a reasonable indication that an industry is materially injured, or is threatened with material injury, or the establishment of an industry is materially retarded, by reason of imports of the allegedly dumped merchandise that is the subject of investigation by Commerce.

**Duration:** The investigation must be completed within 45 days of receipt of the petition.

**Finding:** If the Commission determination is affirmative, Commerce continues its investigation.

#### **Section 735(b), Tariff Act of 1930 (Final Antidumping Investigations), Imports Marketed at Less Than Fair Value**

**When:** After a preliminary determination by the Secretary of Commerce that imported products are being, or are likely to be, sold at less than fair value, the Commission conducts an investigation to determine whether any industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the dumped merchandise.

**Duration:** The investigation must usually be completed within 120 days after an affirmative preliminary determination by the Secretary of Commerce that the imported products are being, or are likely to be, sold at less than fair value.

**Finding:** If both the Commerce Department and Commission deter-

minations are affirmative, the Secretary of Commerce issues an anti-dumping order.

(For further information, see sec. 731 et seq. of the Tariff Act of 1930, 19 U.S.C. 1673 et seq.)

#### **Section 332, Tariff Act of 1930, General Factfinding Investigations**

**When:** Upon official request from the President, the Congress, or the USTR, or upon its own motion, the Commission initiates a factfinding investigation on any matter involving tariffs or international trade. This broad provision allows the Commission to investigate trade matters of immediate concern to the Government and the public.

**Duration:** Unless otherwise directed, the Commission establishes an administrative deadline.

**Finding:** Unless the President or the Congress directs otherwise, the Commission's final reports are made available to all interested parties, the general public, the President and executive departments, and the Congress. (For further information, see sec. 332 of the Tariff Act of 1930, 19 U.S.C. 1332.)

#### **Section 22, Agricultural Adjustment Act, Import Interference With Agricultural Programs**

**When:** The Commission conducts investigations at the direction of the President to determine whether any products are being, or are practically certain to be, imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with any loan, purchase, or other program or operation of the Department of Agriculture, including price-support programs for agricultural commodities or products thereof, or to reduce substantially the amounts of any product processed in the United States from such commodities or products. The Commission makes findings and recommendations to the President.

**Finding:** The President may restrict the imports in question by imposition of either quotas or import fees (not to exceed 50 percent of the imported product's value). (For further information, see sec. 22 of the Agricultural Adjustment Act, 7 U.S.C. 624.)

#### **Other Areas of Involvement by Statute**

##### **Countervailing Duty Investigations Under Section 303 of the Tariff Act of 1930**

In the case of countervailing duty investigations not covered by section 701 of the Tariff Act of 1930 that involve articles that enter free of duty, the Commission determines, with respect to any article on which the Secretary of Commerce has determined that a bounty or grant is being paid, whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of the importation of such article. (For further information, see sec. 303, Tariff Act of 1930, 19 U.S.C. 1303.)

##### **Caribbean Basin Economic Recovery Act**

The Commission submits annual reports to the Congress and the President on the economic impact on U.S. industries and consumers of the Caribbean Basin Economic Recovery Program. (For further information, see 19 U.S.C. 2704.)

#### **Uniform Statistical Data**

The Commission, in cooperation with the Secretary of the Treasury and the Secretary of Commerce, establishes for statistical purposes an enumeration of articles imported into the United States and exported from the United States and seeks to establish comparability of such statistics with statistical programs for domestic production. (For further

information, see sec. 484(e), Tariff Act of 1930, 19 U.S.C. 1484(e).)

#### **Harmonized Tariff Schedule of the United States Annotated**

The Commission issues a publication containing the Harmonized Tariff Schedule (HTS) and related material and considers questions concerning the arrangement of the HTS and the classification of articles. (For further information, see sec. 1207 of the Omnibus Trade and Competitiveness Act of 1988, 19 U.S.C. 3007 and secs. 332(A) and 484(e) of the Tariff Act of 1930, 19 U.S.C. 1484(e).)

#### **Harmonized System Convention**

The Commission has responsibility, along with the Department of the Treasury and the Department of Commerce, to represent the U.S. Government concerning the activities of the Customs Cooperation Council relating to the Harmonized System Convention and to formulate U.S. Government positions on technical and procedural issues relating to the Convention. (For further information, see sec. 1210 of the Omnibus Trade and Competitiveness Act of 1988, 19 U.S.C. 3010.)

In addition, the Commission has responsibility for keeping the HTS under review and for recommending to the President such modifications to the HTS as the Commission considers necessary or appropriate to conform the HTS with amendments to the Harmonized System Convention, to ensure that the HTS is kept up to date, and to alleviate unnecessary administrative burdens. (For further information, see sec. 1205 of the Omnibus Trade and Competitiveness Act of 1988, 19 U.S.C. 3005.)

#### **Annual Report on the U.S. Trade Agreements Program**

The Commission prepares for the Congress and the interested public a "factual report on the operation of the trade agreements program." The report contains information on U.S. participation in multilateral and

bilateral trade negotiations and agreements, as well as related material on foreign economic and trade developments and the administration of U.S. trade laws. (For further information, see sec. 163(b), Trade Act of 1974, 19 U.S.C. 2213.)

#### **Advice Concerning Trade Negotiations**

The Commission advises the President as to the probable economic effect on domestic industries and consumers of modification of duties and other barriers to trade that may be considered for inclusion in any proposed trade agreement with foreign countries. (For further information, see sec. 131, Trade Act of 1974, 19 U.S.C. 2151.)

#### **Generalized System of Preferences**

With respect to articles that may be considered for duty-free treat-

ment when imported from designated developing countries, the Commission advises the President as to the probable economic effect on the domestic industry and on consumers of the removal of duty. (For further information, see secs. 131 and 503, Trade Act of 1974, 19 U.S.C. 2151, 2163.)

#### **East-West Trade-Monitoring System**

The Commission monitors imports into the United States from nonmarket economy countries and makes a report not less frequently than once each calendar quarter on the effect of such imports on the production of like or directly competitive articles in the United States and on employment within the industry. (For further information, see sec. 410, Trade Act of 1974, 19 U.S.C. 2410.)

#### **Trade With Communist Countries**

The Commission determines whether imports of an article produced in a Communist country cause market disruption in the United States. In general, if the Commission determination is in the affirmative, the President may take the same action as in a case involving injury to an industry under section 201 of the Trade Act of 1974, except that the action would apply only to imports of the product from the Communist country. (For further information, see sec. 406, Trade Act of 1974, 19 U.S.C. 2436.)

## Appendix C

### Reports Submitted to Congress on Proposed Legislation, FY 1990

#### Reports Submitted to the House on Proposed Legislation

1. H.R. 1154 (Mr. Gibbons)— To prohibit the importation of assault weapons and certain accessories. January 26, 1990.
2. H.R. 1233 (Mr. Gibbons)— To improve the operation of the Caribbean Basin Economic Recovery Act, and for other purposes. February 26, 1990.
3. H.R. 1445 (Mr. Ravenel)— To suspend temporarily the duty on penta-chlorobenzenethiol. September 12, 1989.
4. H.R. 1777 (Mr. Frenzel)— To suspend temporarily the duty on in-line roller skate boots. November 20, 1989.
5. H.R. 1789 (Mr. Schneider)— To suspend temporarily the duty on D Salt. October 26, 1989.
6. H.R. 1794 (Mr. Schneider)— To suspend temporarily the duty on Broenner's acid. October 10, 1989.
7. H.R. 1818 (Mr. Morrison)— To suspend temporarily the duty on 2,4-diamino-6-phenyl-1,3,5-triazine. October 20, 1989.
8. H.R. 1837 (Mr. Skaggs)— To amend the Harmonized Tariff Schedule of the United States to suspend the duties on certain infant nursery monitors and intercoms. November 20, 1989.
9. H.R. 1843 (Mr. Bustamante)— To provide a separate tariff classification for, and to suspend temporarily the duty on, certain opal borosilicate glassware imported in sets. October 26, 1989.

10. H.R. 1856 (Mr. McGrath)— To correct certain tariff inequities created by the implementation of the Harmonized Tariff Schedule of the United States. October 20, 1989.
11. H.R. 1857 (Mr. Morrison)— To suspend temporarily the duty on ciprofloxacin hydrochloride. November 1, 1989.
12. H.R. 1868 (Mr. Andrews)— To suspend temporarily the duty on a certain specialty thermoset resin. December 4, 1989.
13. H.R. 1884 (Mr. Carper)— To suspend temporarily the duty on quizalofop-ethyl. November 1, 1989.
14. H.R. 1887 (Mr. Coughlin)— To suspend for a 3-year period the duty on L-alanyl-L-proline, also known as Ala Pro. December 4, 1989.
15. H.R. 1893 (Mr. Counter)— To suspend temporarily the duty on hexachloride. October 18, 1989.
16. H.R. 1894 (Mr. Crane)— To suspend temporarily the duty on parts of generators for use on aircraft. December 4, 1989.
17. H.R. 1900 (Mr. Downey)— To add an additional U.S. note to chapter 42 of the Harmonized Tariff Schedule of the United States. November 20, 1989.
18. H.R. 1902 (Mr. Downey)— Relating to the tariff treatment of woven fabrics of carded wool or carded fine animal hair, of woven fabrics of combed wool or combed fine animal hair, and of certain gauze. October 2, 1989.
19. H.R. 1903 (Mr. Durbin)— To extend to ethyl tertiary-butyl ether the same tariff treatment provided to ethanol. October 20, 1989.
20. H.R. 1904 (Mr. Dwyer)— To suspend for a 3-year period the duty on amiloride hydrochloride. November 1, 1989.
21. H.R. 1906 (Mr. Dwyer)— To suspend for a 3-year period the duty on norfloxacin. November 3, 1989.
22. H.R. 1910 (Mr. Gilman)— To suspend temporarily the duty on (6R-(6a,7B(Z))-7-(((2-Amino-4-thiazolyl)-((carboxymethoxy)imino)acetyl)-amino)-3-ethenyl-8-oxo-5-thia-1-azabicyclo(4.2.0)-oct-2-ene-2-carboxylic acid. November 1, 1989.
23. H.R. 1912 (Mr. Gilman)— To suspend temporarily the duty on N-(4-(((2-amino-5-formyl-1,4,5,6,7,8-hexahydro-4-oxo-6-pyridinyl)-methyl)amino)benzoyl)-L-glutamic acid. November 1, 1989.
24. H.R. 1914 (Mr. Grandy)— To suspend temporarily the duty on mercuric oxide. October 20, 1989.
25. H.R. 1919 (Mr. Green)— To suspend temporarily the duty on wicker products. November 16, 1989.
26. H.R. 1923 (Mr. Holloway)— To suspend temporarily the duty on 2-ethylanthra-quinone. October 26, 1989.
27. H.R. 1926 (Mr. Johnson)— To suspend temporarily the duty on N-[(4-chloro-phenyl)amino]-[carbonyl]-2,6-difluorobenzamide. October 13, 1989.
28. H.R. 1927 (Mr. Johnson)— To suspend temporarily the duty on 2,6-dichloro-benzonitrile. November 20, 1989.
29. H.R. 1928 (Mr. Johnson)— To suspend temporarily the duty on 1-[1-((4-chloro-2-(trifluoromethyl)phenyl) imino)-2-propoxyethyl]-1H-imadazole. November 20, 1989.
30. H.R. 1936 (Mr. McGrath)— To reduce temporarily the column 2 rate of duty on certain machine tools for planing, gear cutting, gear grinding, or gear finishing. November 16, 1989.
31. H.R. 1937 (Mr. McGrath)— To reduce temporarily the column 2

rate of duty on certain machine tools for grinding or honing. November 20, 1989.

32. H.R. 1938 (Mr. McGrath)— To reduce temporarily the column 2 rate of duty on certain machine tools for drilling, boring, milling, threading, or tapping by removing metal. November 20, 1989.

33. H.R. 1939 (Mr. McMillan)— To amend the Harmonized Tariff Schedule of the United States to correct the classification of gripping narrow fabrics of manmade fibers. October 26, 1989.

34. H.R. 1943 (Mr. Mollohan)— To suspend temporarily the duty on MBEP. November 1, 1989.

35. H.R. 1944 (Mr. Mollohan)— To suspend temporarily the duty on BPIP. October 10, 1989.

36. H.R. 1954 (Mr. Rose)— To suspend until December 31, 1992, the duty on an herbicide intermediate. October 13, 1989.

37. H.R. 1956 (Mr. Schneider)— To suspend temporarily the duty on K-acid. October 10, 1989.

38. H.R. 1958 (Mr. Schulze)— To suspend temporarily the duty on cefazidime, tertiary-butyl ester. December 4, 1989.

39. H.R. 1963 (Mr. Schulze)— To suspend temporarily the duty on 5-amino-2- naphthalenesulfonic acid. October 10, 1989.

40. H.R. 1964 (Mr. Schulze)— To suspend temporarily the duty on 1-naphthylamine. November 1, 1989.

41. H.R. 1965 (Mr. Schulze)— To suspend temporarily the duty on 4-amino-1- naphthalenesulfonic acid, sodium salt. October 13, 1989.

42. H.R. 1966 (Mr. Schulze)— To suspend temporarily the duty on 1,4- dihydroxyanthraquinone. November 20, 1989.

43. H.R. 1967 (Mr. Schulze)— To suspend temporarily the duty on 7-nitro- naphth[1,2]oxadiazole-5-sulfonic acid. November 17, 1989.

44. H.R. 1968 (Mr. Schulze)— To suspend temporarily the duty on 4-chloro- $\alpha,\alpha,\alpha$ -trifluoro- $\alpha$ -toluidine. February 26, 1990.

45. H.R. 1969 (Mr. Schulze)— To suspend temporarily the duty on 7-amino-1,3-naphthalene-sulfonic acid, monopotassium salt. November 16, 1989.

46. H.R. 1970 (Mr. Schulze)— To suspend temporarily the duty on 2-amino-4- chlorophenol. December 18, 1989.

47. H.R. 1971 (Mr. Schulze)— To suspend temporarily the duty on 2,4-diamino- benzenesulfonic acid. December 18, 1989.

48. H.R. 1972 (Mr. Schulze)— To suspend temporarily the duty on 2,5-dichloro-4- (3-methyl-5-oxo-pyrazolin-1-yl)benzenesulfonic acid. November 20, 1989.

49. H.R. 1973 (Mr. Schulze)— To suspend temporarily the duty on 7-hydroxy-1,2- naphthalenedisulfonic acid, dipotassium salt. November 20, 1989.

50. H.R. 1974 (Mr. Schulze)— To suspend temporarily the duty on o-anisidine. November 20, 1989.

51. H.R. 1975 (Mr. Schulze)— To suspend temporarily the duty on 1-amino-2-bromo- 4-hydroxyanthraquinone. October 13, 1989.

52. H.R. 1976 (Mr. Schulze)— To suspend temporarily the duty on 2-chloro-4- nitroaniline. October 16, 1989.

53. H.R. 1977 (Mr. Schulze)— To suspend temporarily the duty on (1,3,3-tri-methylindoline-2- ylidene)acetaldehyde. October 16, 1989.

54. H.R. 1978 (Mr. Schulze)— To suspend temporarily the duty on 2,3-dihydro-1,3,3-trimethyl-2-methylene-1H-indole. November 20, 1989.

55. H.R. 1979 (Mr. Schulze)— To suspend temporarily the duty on 2-[(4-aminophenyl)sulfonyl] ethanolhydrogen sulfate ester. October 16, 1989.

56. H.R. 1980 (Mr. Schulze)— To suspend temporarily the duty on 7-anilino-4- hydroxy-2-naphthalenesulfonic acid. October 19, 1989.

57. H.R. 1983 (Mr. Shays)— To suspend temporarily the duty on 6-tert-butyl- 2,4-xylenol. October 16, 1989.

58. H.R. 1986 (Mr. Solomon)— To suspend temporarily the duty on certain acid black powder and presscake. October 13, 1989.

59. H.R. 1987 (Mr. Solomon)— To suspend the duty on rhodamine 2C base, polymin P and polymin P hydrochloride, and polymin SNA 60. October 19, 1989.

60. H.R. 1988 (Mr. Stokes)— To suspend temporarily the duty on mixed ortho/paratoluene sulfonamide. November 1, 1989.

61. H.R. 1989 (Mr. Torricelli)— To suspend temporarily the duty on certain unstuffed dolls. October 19, 1989.

62. H.R. 1990 (Mr. Torricelli)— To suspend temporarily the duty on certain unstuffed toys. October 26, 1989.

63. H.R. 1991 (Mr. Torricelli)— Relating to the tariff treatment of certain disposable garments. October 26, 1989.

64. H.R. 1996 (Mr. Schulze)— To suspend temporarily the duty on 1,4-diamino-2,3-dihydroanthraquinone. October 19, 1989.

65. H.R. 2001 (Mr. Valentine)— To suspend for a 3-year period the duty on Tfa Lys Pro in free base and tosyl salt forms. October 26, 1989.

66. H.R. 2003 (Mr. Frenzel)— To suspend for a 5-year period the duty on dimethoate. October 26, 1989.

67. H.R. 2017 (Mr. Torricelli)— To extend temporary duty-free treatment of certain chemicals. October 20, 1989.

68. H.R. 2018 (Mr. Vander Jagt)— To provide for duty-free entry of methanol. November 13, 1989.

69. H.R. 2033 (Mr. Frenzel)— To amend accounting procedures under section 313 of the Tariff Act of 1930. January 18, 1990.

70. H.R. 2074 (Mr. Bilirakis)— To correct the tariff treatment accorded zinc printing type. November 22, 1989.

71. H.R. 2077 (Mr. Brown)— To suspend for a 3-year period the duty on certain fiberglass yarns. October 26, 1989.

72. H.R. 2100 (Mr. Stark)— Relating to the tariff treatment of certain paper products and synthetic detergents. November 20, 1989.

73. H.R. 2249 (Mr. Pickle)— To extend for 5 years the existing suspension of duty on triallate. October 19, 1989.

74. H.R. 2250 (Mr. Ridge)— To suspend temporarily the duty on chlorinated synthetic rubber. November 2, 1989.

75. H.R. 2305 (Mr. Martin)— To require the Commissioner of Customs to provide certain facilities and equipment at the port of entry at Trout River, New York. January 18, 1990.

76. H.R. 2367 (Mr. Morrison)— To suspend temporarily the duty on ciprofloxacin and nimodipine. November 3, 1989.

77. H.R. 2447 (Mr. Downey)— To extend the existing temporary suspension of duty for certain small toys and novelty goods and for other purposes. October 26, 1989.

78. H.R. 2451 (Mr. Hoagland)— Relating to the tariff treatment of screenhouse tents. October 26, 1989.

79. H.R. 2578 (Mr. Matsui)— To prohibit the importation into the United States of certain articles originating in Burma. January 8, 1990.

80. H.R. 2701 (Mr. Buechner)— To extend the existing suspension of duty on triphenyl phosphate. October 20, 1989.

81. H.R. 2721 (Mr. Guarini)— To extend the existing suspension of duty on graphite. January 25, 1990.

82. H.R. 2782 (Mr. Stark)— To authorize the suspension of duty-free treatment to wood products under the Generalized System of Preferences to beneficiary countries that do not implement appropriate reforestation programs and for other purposes. March 15, 1990.

83. H.R. 2864 (Mr. Matsui)— Regarding the reliquidation of a certain extracorporeal shock wave lithotripter. January 25, 1990.

84. H.R. 2900 (Mr. McEwen)— To clarify that charges and fees may be collected in connection with foreign trade zones at certain small airports. February 26, 1990.

85. H.R. 2910 (Mr. Flippo)— To reduce temporarily the duty on certain frozen carrots. November 16, 1989.

86. H.R. 3010 (Mr. Wheat)— To suspend temporarily the duty on O,O-dimethyl-S-[(4-oxo-1,2,3-benzotriazin-3-(4H)-yl)methyl]phosphorodithioate. November 17, 1989.

87. H.R. 3011 (Mr. Wheat)— To suspend temporarily the duty on 4-fluoro-3-phenoxybenzaldehyde. November 16, 1989.

88. H.R. 3018 (Mr. Pease)— To suspend temporarily the duty on metallurgical fluorspar. November 17, 1989.

89. H.R. 3019 (Mr. Smith)— To reduce temporarily the duty on certain ceramic statues, statuettes, and handmade flowers. December 29, 1989.

90. H.R. 3060 (Mr. Schneider)— To suspend temporarily the duty on 2,3,6-trimethylphenol (TMP). October 26, 1989.

91. H.R. 3111 (Mr. Flippo)— To amend the Tariff Schedule of the United States to reclassify apparel consisting of fabric composed of manmade fiber and cotton blends. January 25, 1990.

92. H.R. 3130 (Mr. Valentine)— To suspend temporarily the duty on ranitidine hydrochloride. February 26, 1990.

93. H.R. 3197 (Mr. Slaughter)— To suspend temporarily the duty on certain frozen vegetables. December 4, 1989.

94. H.R. 3231 (Mr. Dwyer)— To provide for the temporary suspension of duty on certain types of veneer. January 8, 1990.

95. H.R. 3232 (Mr. Frenzel)— To suspend temporarily the duty on p-hydroxybenzaldehyde. December 8, 1989.

96. H.R. 3326 (Mr. Wheat)— To suspend temporarily the duty on fenofibrate. January 18, 1990.

97. H.R. 3418 (Mr. Jenkins)— To extend the temporary duty-free treatment for certain types of hosiery knitting machines and parts thereof and certain types of knitting needles. January 8, 1990.

98. H.R. 3419 (Mr. Jenkins)— To extend the temporary suspension of duties for certain hosiery knitting machines and hosiery knitting needles and to include in the suspension single-cylinder, coarse-gauge machines and parts. January 8, 1990.

99. H.R. 3441 (Mr. Hatcher)— To suspend temporarily the duty on fluometuron and diuron. January 18, 1990.

100. H.R. 3459 (Mr. Flippo)— Regarding the duty-free entry of a nuclear magnetic resonance spectrometer for the use of the University of Alabama at Birmingham. January 26, 1990.

101. H.R. 3509 (Mr. Bruce)— To change the tariff treatment of certain brooms wholly or in part of broom corn. December 19, 1989.

102. H.R. 3510 (Mr. Applegate)— To suspend temporarily the duty on Diaphone V. January 25, 1990.

103. H.R. 3675 (Mr. Downey)— To suspend temporarily the duty on insulated winding wire cable and other electrical apparatus. March 14, 1990.

104. H.R. 3780 (Mr. Slaughter)— To provide for the temporary duty-free entry of certain frozen vegetables. February 26, 1990.

105. H.R. 3788 (Mr. Vander Jagt)— To suspend for a 3-year period the duty on certain radio/tape player combinations. April 24, 1990.

106. H.R. 3809 (Mr. Moakley)— To suspend temporarily the duty on certain aluminum plates, sheets, and strips that are products of Bahrain. April 25, 1990.

107. H.R. 3878 (Mr. Ballenger)— To extend for 5 years the existing suspension of duty on machines designed for heat-set stretch texturing of continuous manmade fiber. April 30, 1990.

108. H.R. 3883 (Mr. Frenzel)— To extend for a 2-year period the temporary reduction of the column 2 rate of duty on certain large offset printing machines. April 24, 1990.

109. H.R. 3884 (Mr. Frenzel)— To reduce temporarily the column 2 rate of duty on certain papercutting machines. September 19, 1990.

110. H.R. 3887 (Mr. McGrath)— To reduce temporarily the rate of duty on certain machine tools that are the products of East Germany. May 14, 1990.

111. H.R. 3944 (Mr. Blaz)— Relating to wage certificates issued to producers in the insular possessions of the United States of watches and watch movements. April 24, 1990.

112. H.R. 3975 (Mr. Chandler)— To provide duty-free entry for the personal effects and equipment of participants and officials involved in the 1990 Goodwill Games to be held in the State of Washington. April 6, 1990.

113. H.R. 3995 (Mr. Matsui)— For the relief of certain importers, wholesalers, and users of industrial fasteners. June 20, 1990.

114. H.R. 3998 (Mr. Nowak)— To provide duty-free entry for the personal effects and equipment of participants and officials involved in the 1993 World University Games to be held in the State of New York. April 10, 1990.

115. H.R. 4017 (Mr. Gradison)— To suspend temporarily the duty on sucralfate. July 24, 1990.

116. H.R. 4018 (Mr. Gradison)— To extend until January 1, 1995, the existing temporary suspension of the duty on nicotine resin complex and on terfenadone. April 24, 1990.

117. H.R. 4020 (Mr. Gradison)— To suspend temporarily the duty on mesalamine. May 21, 1990.

118. H.R. 4021 (Mr. Gradison)— To suspend temporarily the duties on diltiazem hydrochloride and sustained-release diltiazem hydrochloride. May 29, 1990.

119. H.R. 4022 (Mr. Gradison)— To suspend temporarily the duties on TA3090. May 29, 1990.

120. H.R. 4047 (Mr. Hastert)— To correct the Harmonized Tariff Schedule of United States as it applies to certain parts of ionization smoke detectors. May 21, 1990.

121. H.R. 4055 (Mrs. Roukema)— To amend the Harmonized Tariff Schedule of the United States to eliminate the duty on 2,2-azobis(isobutyronitrile). August 7, 1990.

122. H.R. 4072 (Mr. Cardin)— To extend through December 31, 1992, the suspension of import duties on synthetic rutile. April 9, 1990.

123. H.R. 4113 (Mr. Gradison)— To suspend temporarily the duty on certain chemicals. May 29, 1990.

124. H.R. 4126 (Mr. Torricelli)— To extend the suspension of duties on certain chemicals. May 29, 1990.

125. H.R. 4182 (Mr. Courter)— To suspend temporarily the duty on isophorone diisocyanate and trimethyl hexamethylene diisocyanate. May 14, 1990.

126. H.R. 4185 (Mr. Frenzel)— To correct the tariff treatment of certain articles covered by the Nairobi Protocol. May 15, 1990.

127. H.R. 4188 (Mr. Guarini)— To extend until January 1, 1994, the existing suspension of duty on acet quinone base. May 29, 1990.

128. H.R. 4190 (Mr. Hutto)— To suspend temporarily the duty on copper acetate monohydrate. June 4, 1990.

129. H.R. 4194 (Mr. Quillen)— To continue until the close of December 31, 1994, the existing suspension of duties on color couplers and coupler intermediates used in the manufacture of photographic sensitized material. June 20, 1990.

130. H.R. 4200 (Mr. Solomon)— To extend the existing suspensions of duty on certain chemicals. June 12, 1990.

131. H.R. 4202 (Mr. Vander Jagt)—To extend until January 1, 1994, the existing temporary suspension of duties on certain clock radios. May 15, 1990.

132. H.R. 4215 (Mr. Patterson)— To suspend temporarily the duty on p-tolualdehyde. May 29, 1990.

133. H.R. 4236 (Mr. Schneider)—To extend until January 1, 1994, the existing temporary suspension of duty on lasamid. May 29, 1990.

134. H.R. 4259 (Mr. Coble)—To extend the existing suspension of duty on m-toluic acid until January 1, 1994. May 29, 1990.

135. H.R. 4272 (Mr. Walgren)— To continue until January 1, 1994, the existing suspensions of duty on certain chemicals. June 20, 1990.

136. H.R. 4302 (Mr. Vander Jagt)—To suspend temporarily the duty on Pigment Blue 16. June 14, 1990.

137. H.R. 4303 (Mr. Vander Jagt)—To suspend temporarily the duty on Pigment Blue 60. June 14, 1990.

138. H.R. 4304 (Mr. Vander Jagt)—To extend until January 1, 1994, the existing temporary suspension of duty on sethoxydim. May 29, 1990.

139. H.R. 4305 (Mr. Vander Jagt)—To extend until January 1, 1994, the existing temporary suspension of duty on 3-ethylamino-p-cresol. May 21, 1990.

140. H.R. 4306 (Mr. Vander Jagt)—To extend until January 1, 1994, the existing temporary suspension of duty on diamino imid SP. August 14, 1990.

141. H.R. 4307 (Mr. Vander Jagt)—To extend until January 1, 1994, the existing temporary suspension of duty on  $\beta$ -naphthol. June 4, 1990.

142. H.R. 4318 (Mr. Frenzel)— To extend until January 1, 1995, the existing temporary suspension of duty on cyclosporine. July 12, 1990.

143. H.R. 4325 (Mr. Schulze)— To grant temporary duty-free treatment to 3-aminopropanol. July 9, 1990.

144. H.R. 4364 (Ms. Kaptur)— To extend until January 1, 1994, the existing temporary suspension of duty on umbrella frames. May 29, 1990.

145. H.R. 4396 (Mr. Spratt)— To extend until January 1, 1994, the existing temporary suspension of duty on tetraaminobiphenyl. May 21, 1990.

146. H.R. 4426 (Mr. Frenzel)— To include photoreceptors and assemblies containing photoreceptors within the temporary suspension of duty on parts of certain electrostatic copying machines, and to extend the suspension until January 1, 1993. May 21, 1990.

147. H.R. 4536 (Mr. Hatcher)— To suspend temporarily the duty on fluometuron and IBTF. July 9, 1990.

148. H.R. 4538 (Mr. Jenkins)— To extend until January 1, 1995, the existing temporary suspension of duty on p-chloro-o-nitroaniline. July 5, 1990.

149. H.R. 4539 (Mr. Jenkins)— To extend until January 1, 1995, the existing temporary suspension of duty on nitrosulfon B. June 25, 1990.

150. H.R. 4540 (Mr. Jenkins)— To extend until January 1, 1995, the existing temporary suspension of duty on chloramino base. June 25, 1990.

151. H.R. 4541 (Mr. Jenkins)— To extend until January 1, 1995, the existing temporary suspension of duty on aminosulfon br. July 5, 1990.

152. H.R. 4542 (Mr. Kanjorski)— To suspend for a 3-year period the duty on [3R-[3-alpha(R\*),4-beta]]-4-(acetyloxy)-3-[1-[(1,1-dimethylethyl)dimethylsilyl]oxyethyl]-2- $\alpha$ -etidinone, also known as acetoxy- azetidinone. July 5, 1990.

153. H.R. 4543 (Mr. Kanjorski)— To suspend for a 3-year period the duty on 4-(6-fluoro-2-methylindine-3-methyl)phenyl-methyl sulphide dissolved in toluene, also known as IN-4. July 9, 1990.

154. H.R. 4544 (Mr. McMillan)— To suspend for a 3-year period the duty on DNCB. July 9, 1990.

155. H.R. 4545 (Mr. McMillan)— To suspend for a 3-year period the duty on C.I. Pigment Red 214. July 20, 1990.

156. H.R. 4546 (Mr. McMillan)— To suspend for a 3-year period the duty on C.I. Pigment Yellow 155. July 11, 1990.

157. H.R. 4547 (Mr. McMillan)— To suspend for a 3-year period the duty on C.I. Pigment Red 242. July 11, 1990.

158. H.R. 4587 (Mr. Coughlin)— To suspend for a 3-year period the duty on composite vials of timolol maleate/pilocarpine hydrochloride solutions and diluent. July 12, 1990.

159. H.R. 4596 (Mr. McGrath)— To suspend temporarily the duty on ethyl carbamate. August 20, 1990.

160. H.R. 4615 (Mr. Carper)— To suspend temporarily the duty on Pigment Green 36. July 5, 1990.

161. H.R. 4616 (Mr. Carper)— To extend the existing temporary suspension of duty on fusilade. June 25, 1990.

162. H.R. 4623 (Mr. Jenkins)— To provide for the temporary suspension of duty on sewing machine needles. August 6, 1990.

163. H.R. 4648 (Mr. Dwyer)— To suspend for a 3-year period the

duty on famotidine. July 12, 1990.

164. H.R. 4667 (Mr. Schulze)— To suspend until January 1, 1993, the duty on 4,5-dichloro-2-n-octyl-4-isothiazolin-3-one and on mixtures of 4,5-dichloro-2-n-octyl-4-isothiazoline-3-one and application adjuvants, with or without stabilizers. July 9, 1990.

165. H.R. 4668 (Mr. Schulze)— To suspend until January 1, 1993, the duty on dicyclopentenyloxyethyl methacrylate. July 9, 1990.

166. H.R. 4676 (Mr. Archer)— To amend the Harmonized Tariff Schedule of the United States to clarify the classification of mixed alkylbenzenes. August 3, 1990.

167. H.R. 4677 (Mr. Archer)— To provide for the reliquidation of certain entries of diamond tool and drill blanks. August 21, 1990.

168. H.R. 4678 (Mr. Courter)— To suspend for a 5-year period the duty on dithiobisbenzalide. July 24, 1990.

169. H.R. 4681 (Mr. Rinaldo)— To extend the temporary suspensions of duty on N1,N4,N4,-tris(2-hydroxyethyl)-2-nitro-1,4-phenylenediamine; N1,N4-dimethyl-N1-(2-hydroxyethyl)-3-nitro-1,4-phenylenediamine; N1,N4-dimethyl-N1-(2,3-dihydroxypropyl)-3-nitro-1,4-phenylenediamine; N1-(2-hydroxyethyl)-3-nitro-1,4-phenylenediamine and N1-(2-hydroxyethyl)-2-nitro-1,4-phenylenediamine. July 24, 1990.

170. H.R. 4685 (Mr. Blaz)— To provide for the temporary duty-free treatment of certain sweaters manufactured in the Commonwealth of the Northern Mariana Islands. August 6, 1990.

171. H.R. 4692 (Mr. Roe)— To suspend temporarily the duty on butyl-methoxydi-benzoylmethane. August 21, 1990.

172. H.R. 4693 (Mr. Shaw)— To suspend temporarily the duty on metal oxide varistors. September 18, 1990.

173. H.R. 4696 (Mr. Stokes)— To extend until January 1, 1994, the existing temporary suspension of duty on tungsten ores. August 21, 1990.

174. H.R. 4717 (Mr. Olin)— To suspend temporarily the duty on textile winding or reeling machines. August 21, 1990.

9. S. 789 (Mr. Heinz)—To continue the temporary suspension of the duty on m-hydroxybenzoic acid. January 8, 1990.

10. S. 802 (Mr. Thurmond)— To suspend temporarily the duty on dimethyl-benzylidene sorbitol. January 16, 1990.

11. S. 803 (Mr. Thurmond)— To suspend temporarily the duty on 4,4-isopropylidenedicyclohexanol. August 20, 1990.

12. S. 822 (Mr. Moynihan)—To prohibit the importation into the United States of certain articles originating in Burma. January 8, 1990.

13. S. 867 (Mr. Grassley)—To suspend temporarily the duty on sulfachloropyridazine. January 16, 1990.

14. S. 876 (Mr. Helms)—To suspend temporarily the duty on thiothiamine hydro- chloride. October 26, 1989.

15. S. 884 (Mr. Thurmond)— To suspend temporarily the duty on paramine acid. January 8, 1990.

16. S. 885 (Mr. Thurmond)— To suspend temporarily the duty on trimethyl base. January 16, 1990.

17. S. 886 (Mr. Thurmond)— To suspend temporarily the duty on dimethyl succinyl succinate. December 8, 1989.

18. S. 887 (Mr. Thurmond)— To suspend temporarily the duty on Resolin Red F3BS components I and II. January 18, 1990.

19. S. 888 (Mr. Thurmond)— To suspend temporarily the duty on pentachloro- thiophenol. January 16, 1990.

20. S. 889 (Mr. Thurmond)— To suspend temporarily the duty on anthraquinone. January 16, 1990.

21. S. 910 (Mr. Chafee)— To suspend temporarily the duty on

### Reports Submitted to the Senate on Proposed Legislation

1. S. 367 (Mr. Graham)—To suspend temporarily the duty on calcium acetylsalicylate. January 16, 1990.
2. S. 385 (Mr. Roth)—To suspend temporarily the duty on bendiocarb. January 8, 1990.
3. S. 437 (Mr. Dixon)—To suspend temporarily the duty on certain glass bulbs. December 29, 1989.
4. S. 504 (Mr. Graham)—To improve the operation of the Caribbean Basin Economic Recovery Act and for other purposes. April 13, 1990.
5. S. 718 (Mr. Heinz)—To amend the Harmonized Tariff Schedule of the United States to provide duty-free treatment for certain sports clothing. April 25, 1990.
6. S. 733 (Mr. Moynihan)—To prohibit the importation of assault weapons and certain accessories. January 26, 1990.
7. S. 756 (Mr. Thurmond)— To make temporary suspension of duty on menthol feedstocks permanent. October 26, 1989.
8. S. 788 (Mr. Heinz)—To continue the temporary suspension of the

theobromine. November 1, 1989.

22. S. 911 (Mr. Chafee)— To suspend temporarily the duty on chlorhexanone. December 8, 1989.

23. S. 925 (Mr. Heinz)— To suspend temporarily the duty on naphthalic acid anhydride. January 18, 1990.

24. S. 929 (Mr. Rockefeller)— To reduce temporarily and to suspend the duty for 1,6-hexamethylene diisocyanate. December 18, 1989.

25. S. 934 (Mr. Thurmond)— To suspend temporarily the duty on K-acid. December 8, 1989.

26. S. 935 (Mr. Thurmond)— To suspend temporarily the duty on Broenner's acid. December 8, 1989.

27. S. 936 (Mr. Thurmond)— To suspend temporarily the duty on D-Salt. January 16, 1990.

28. S. 937 (Mr. Thurmond)— To suspend temporarily the duty on Neville and Winter's acid. December 8, 1989.

29. S. 938 (Mr. Thurmond)— To suspend temporarily the duty on anis base. December 8, 1989.

30. S. 939 (Mr. Thurmond)— To suspend temporarily the duty on naphthol AS types. December 8, 1989.

31. S. 957 (Mr. Heinz)— To suspend temporarily the duty on ceftazidime tertiary-butyl ester. February 26, 1990.

32. S. 991 (Mr. Wirth)— To continue the suspension of duty on d-6-methoxy- $\alpha$ -methyl-2-naphthaleneacetic acid and its sodium salt. January 18, 1990.

33. S. 1014 (Mr. Durenberger)— To provide for the temporary suspension of the duty on certain two-stroke cycle piston engines. January 25, 1990.

34. S. 1042 (Mr. Durenberger)— To suspend temporarily the duty on certain in-line roller skate boots. December 19, 1989.

35. S. 1054 (Mr. Matsunaga)— To provide for the temporary suspension of duty on certain magnetic videotape recordings. February 2, 1990.

36. S. 1095 (Mr. Glenn)— Concerning mixed ortho/para-toluenesulfonamide. December 4, 1989.

37. S. 1101 (Mr. Helms)— To suspend temporarily the duty on N-[(4-chlorophenyl)-amino]carbonyl]-2,6-difluorobenzamide. December 8, 1989.

38. S. 1102 (Mr. Helms)— To suspend temporarily the duty on 2,6-dichlorobenzonitrile. February 2, 1990.

39. S. 1103 (Mr. Helms)— To temporarily suspend the duty on 1-[1-((4-chloro-2-(trifluoromethyl)phenyl)imino)-2-propoxyethyl]-1-H-imidazole. February 2, 1990.

40. S. 1104 (Mr. Danforth)— To suspend temporarily the duty on flashlights and flashlight parts. October 2, 1989.

41. S. 1105 (Mr. Danforth)— To suspend temporarily the duty on certain Christmas ornaments. November 13, 1989.

42. S. 1106 (Mr. Danforth)— To suspend temporarily the duty on frozen carrots. November 11, 1989.

43. S. 1122 (Mr. Boschwitz)— To reduce temporarily the column 2 rate of duty on impact line printers. January 18, 1990.

44. S. 1123 (Mr. Heinz)— To amend the Harmonized Tariff Schedule of the United States to suspend temporarily the duty on certain chemicals. October 19, 1989.

45. S. 1135 (Mr. Moynihan)— To amend the Harmonized Tariff Schedule of the United States with respect to low-fuming brazing rods. January 18, 1990.

46. S. 1136 (Mr. Moynihan)— To reduce the rate of duty applicable to certain modeling pastes. January 18, 1990.

47. S. 1137 (Mr. Danforth)— To suspend temporarily the duty on 4-fluoro-3-phenoxybenzaldehyde. October 19, 1989.

48. S. 1138 (Mr. Danforth)— To suspend temporarily the duty on 0,0-dimethyl-S-[4-oxo-1,2,3-benzotriazin-3-(4H)-yl]methyl]phosphoro-dithioate. November 17, 1989.

49. S. 1169 (Mr. Roth)— To provide administrative procedures for noncontroversial tariff suspensions. April 24, 1990.

50. S. 1208 (Mr. Heinz)— To suspend temporarily the duty on certain fine woolen fabrics. October 2, 1989.

51. S. 1241 (Mr. Moynihan)— To deny the People's Republic of China most-favored-nation trade treatment. December 8, 1989.

52. S. 1292 (Mr. Grassley)— To suspend temporarily the duty on tefluthrin. December 4, 1989.

53. S. 1309 (Mr. D'Amato)— To reduce temporarily the column 2 rate of duty on certain papercutting machines. November 20, 1989.

54. S. 1317 (Mr. Heinz)— To suspend for a 3-year period the duty on L-alanyl-L-proline, also known as Ala Pro. January 18, 1990.

55. S. 1318 (Mr. Heinz)— To extend the temporary duty-free treatment for certain types of hosiery knitting machines and parts thereof and certain types of knitting needles. November 22, 1989.

56. S. 1319 (Mr. Heinz)— To extend the temporary suspension of duties for certain hosiery knitting machines and to include in the

67. S. 1397 (Mr. Moynihan)—Relating to the tariff treatment of woven fabrics of carded wool or carded fine animal hair, of woven fabrics of combed wool or combed fine animal hair, and of certain gauzes. October 2, 1989.

68. S. 1415 (Mr. Lautenberg)—To suspend for a 3-year period the duty on 1-ethyl-6-fluoro-1,4-dihydro-4-oxo-7-(1-piperazinyl)-3-quinolincarbonixylic acid, also known as norfloxacin. December 19, 1989.

69. S. 1416 (Mr. Lautenberg)—To suspend for a 3-year period the duty on 2,2-dimethylcyclopropyl-carboxamide, also known as D-carboxamide. December 8, 1989.

70. S. 1417 (Mr. Lautenberg)—To suspend for a 3-year period the duty on N-amidino-3,5-diamino-6-chloropyrazine-carboxamide monohydrochloride dihydrate, also known as amiloride hydrochloride. December 8, 1989.

71. S. 1432 (Mr. Sanford)—To amend the Harmonized Tariff Schedule of the United States to reduce temporarily the duties on gripping narrow fabrics of manmade fibers. October 26, 1989.

72. S. 1468 (Mr. Rockefeller)—To suspend temporarily the duty on BPIP. November 3, 1989.

73. S. 1470 (Mr. Rockefeller)—To suspend temporarily the duty on MBEP. December 18, 1989.

74. S. 1481 (Mr. Cochran)—To amend the Tariff Schedules of the United States to make permanent the modification of the tariff treatment on certain disposable surgical gowns and drapes. January 8, 1990.

75. S. 1494 (Mr. Johnston)—To suspend temporarily the duty on Pigment red 178. January 25, 1990.

76. S. 1495 (Mr. Johnston)—To suspend temporarily the duty on DEMAP. November 1, 1989.

77. S. 1496 (Mr. Johnston)—To suspend temporarily the duty on isoindolenine red pigment. January 25, 1990.

78. S. 1498 (Mr. Johnston)—To suspend temporarily the duty on 2-ethylanthraquinone. November 17, 1989.

79. S. 1499 (Mr. Johnston)—To suspend temporarily the duty on certain acid black powder and presscake. November 1, 1989.

80. S. 1500 (Mr. Johnston)—To suspend the duty on rhodamine 2C base. November 22, 1989.

81. S. 1501 (Mr. Johnston)—To suspend the duty on polymin P and polymin P hydrochloride. October 19, 1989.

82. S. 1502 (Mr. Johnston)—To suspend the duty on polymin SNA 60. October 19, 1989.

83. S. 1504 (Mr. Kasten)—To amend the Harmonized Tariff Schedule of the United States to correct the classification of 26-inch bicycles. November 13, 1989.

84. S. 1538 (Mr. Bentsen)—To extend the temporary suspension of duty on fresh cantaloupes imported between January 1 and May 15 of each year. December 4, 1989.

85. S. 1549 (Mr. Hatch)—To amend the Tariff Act of 1930 to eliminate the requirement that manhole covers be marked on the top surface. November 20, 1989.

86. S. 1567 (Mr. Glenn)—To suspend temporarily the duty on ornithine. November 1, 1989.

87. S. 1568 (Mr. Glenn)—To suspend temporarily the duty on teicoplanin. November 1, 1989.

88. S. 1584 (Mr. Cranston)—Regarding the reliquidation of a certain extracorporeal shock wave lithotripter. January 26, 1990.

89. S. 1598 (Mr. Bradley)—To suspend temporarily the duty on diphenolic acid. January 26, 1990.

90. S. 1599 (Mr. Bradley)—To provide temporary duty-free treatment to 2,6-HNA. January 26, 1990.

91. S. 1601 (Mr. Bradley)—To extend the suspension of duties on certain chemicals. December 19, 1989.

92. S. 1602 (Mr. Bradley)—To suspend temporarily the duty on ADC-6. March 14, 1990.

93. S. 1603 (Mr. Bradley)—To suspend temporarily the duty on diflunisal. March 14, 1990.

94. S. 1604 (Mr. Bradley)—To suspend temporarily the duty on levodopa. March 14, 1990.

95. S. 1605 (Mr. Bradley)—Relating to the tariff treatment of trifluoromethylaniline. February 26, 1990.

96. S. 1613 (Mr. Bradley)—To suspend temporarily the duty on tamoxifen citrate. March 15, 1990.

97. S. 1642 (Mr. Matsunaga)—To extend the existing suspension of duty on certain knitwear fabricated in Guam. November 20, 1989.

98. S. 1647 (Mr. Coats)—To suspend temporarily the duty on fenofibrate. November 20, 1989. December 18, 1989.

99. S. 1648 (Mr. Symms)—To amend accounting procedures under section 313 of the Tariff Act of 1930. January 18, 1990.

100. S. 1685 (Mr. Dodd)—To suspend temporarily the duty on 6-tert-butyl-2,4-xylenol. December 18, 1989.

101. S. 1686 (Mr. Dodd)—To suspend temporarily the duty on 2,4-diamino-6-phenyl- 1,3,5-triazine. December 8, 1989.

102. S. 1693 (Mr. Lautenberg)—To suspend temporarily the duty on iopamidol. December 19, 1989.

103. S. 1710 (Mr. Bradley)—To suspend temporarily the duty on iohexol. February 26, 1990.

104. S. 1713 (Mr. Dole)—To suspend temporarily the duty on p-hydroxybenzaldehyde. December 8, 1989.

105. S. 1715 (Mr. Danforth)—To suspend temporarily the duty on ioxaglate. January 10, 1990.

106. S. 1716 (Mr. Danforth)—To extend the existing suspension of duty on triallate. January 8, 1990.

107. S. 1717 (Mr. Danforth)—To extend the existing suspension of duty on triphenyl phosphate. January 18, 1990.

108. S. 1724 (Mr. D'Amato)—To suspend temporarily the duty on 7-acetyl-1,1,3,4,4,6-hexamethyltetrahydro-naphthalene. November 20, 1989.

109. S. 1733 (Mr. Bentsen)—To suspend temporarily the duty on a certain specialty thermoset resin. February 26, 1990.

110. S. 1736 (Mr. Grassley)—To suspend temporarily the duty on mercuric oxide. November 20, 1989.

111. S. 1744 (Mr. Lautenberg)—To suspend temporarily the duty on 2,3,6-trimethylphenol (TMP). November 20, 1989.

112. S. 1745 (Mr. Bradley)—To extend the temporary suspension of duty on jacquard cards and to include in the suspension plastic jacquard cards and other cards to be used as jacquard cards. December 29, 1989.

113. S. 1779 (Mr. Bentsen)—To change the tariff treatment of certain brooms wholly or in part of broom corn. December 19, 1989.

114. S. 1842 (Mr. Moynihan)—To suspend temporarily the duty on insulated winding wire cable and certain electrical apparatus. March 14, 1990.

115. S. 1845 (Mr. Heflin)—Regarding the duty-free entry of a nuclear magnetic spectrometer for the use of the University of Alabama at Birmingham. January 26, 1990.

116. S. 1915 (Mr. Breaux)—To amend the Tariff Act of 1930 with respect to the applicability of duties upon certain aspects of the foreign repair of vessels. March 6, 1990.

117. S. 1975 (Mr. Kerry)—To suspend temporarily the duty on certain aluminum plates, sheets, and strips that are products of Bahrain. April 25, 1990.

118. S. 2018 (Mr. Lautenberg)—To provide for the temporary suspension of duty on certain types of veneer. July 5, 1990.

119. S. 2047 (Mr. Thurmond)—To suspend temporarily the duty on p-tolualdehyde. May 29, 1990.

120. S. 2060 (Mr. Dole)—To suspend temporarily the duty on sucralfate. July 24, 1990.

121. S. 2061 (Mr. Dole)—To suspend temporarily the duties on diltiazem hydrochloride, and sustained-release diltiazem hydrochloride. May 29, 1990.

122. S. 2062 (Mr. Dole)—To suspend temporarily the duty on mesalamine. May 21, 1990.

123. S. 2063 (Mr. Dole)—To suspend temporarily the duties on TA3090. May 29, 1990.

124. S. 2065 (Mr. Moynihan)—To provide for duty-free treatment of, and refund of duties paid on, certain entries of frozen vegetables. September 18, 1990.

125. S. 2081 (Mr. Danforth)—To extend the existing temporary suspension of duty for toy jewelry, certain small toys and

novelty goods, and for other purposes. September 19, 1990.

126. S. 2086 (Mr. Rockefeller)— To extend the current duty suspension on certain glass ceramic kitchenware. May 29, 1990.

127. S. 2107 (Mr. Graham)—To suspend temporarily the duty on copper acetate monohydrate. June 4, 1990.

128. S. 2109 (Mr. Dixon)—To suspend temporarily the duty on parts of generators for use on aircraft. May 15, 1990.

129. S. 2116 (Mr. Armstrong)— To suspend temporarily the duty on certain glass fibers. May 15, 1990.

130. S. 2131 (Mr. Heinz)—To suspend temporarily the duty on karate pants and belts. April 24, 1990.

131. S. 2132 (Mr. Johnston)—To suspend for a 3-year period the duty on diaminoo imid sp. August 14, 1990.

132. S. 2134 (Mr. Johnston)—To suspend for a 3-year period the duty on 2-(4-aminophenyl)-6-methyl benzothiazole-7-sulfonic acid. April 9, 1990.

133. S. 2135 (Mr. Johnston)—To suspend for a 3-year period the duty on sethoxydim. May 29, 1990.

134. S. 2136 (Mr. Johnston)—To suspend for a 3-year period the duty on 3-ethylamino-p-cresol. May 21, 1990.

135. S. 2137 (Mr. Johnston)—To suspend for a 3-year period the duty on 6-amino-1-naphthol-3-sulfonic acid. April 9, 1990.

136. S. 2138 (Mr. Johnston)—To suspend for a 3-year period the duty on  $\beta$ -naphthol. May 21, 1990.

137. S. 2139 (Mr. Johnston)—To suspend for a 3-year period the duty on rosachloride lumps. August 21, 1990.

138. S. 2140 (Mr. Mitchell)—To amend provisions of law affecting the use of certain distilled spirits in foreign trade zones. April 24, 1990.

139. S. 2141 (Mr. Dole)—To temporarily increase the duty on ethyl tertiary-butyl ether. May 29, 1990.

140. S. 2142 (Mr. Rockefeller)— To suspend temporarily the duty on metallurgical fluorspar. April 6, 1990.

141. S. 2190 (Mr. Dixon)—To correct the Harmonized Tariff Schedule of the United States as it applies to parts of ionization smoke detectors. May 21, 1990.

142. S. 2192 (Mr. Cranston)— Relating to the tariff treatment of certain paper products and synthetic detergents. June 12, 1990.

143. S. 2204 (Mr. Bentsen)—To amend the Harmonized Tariff Schedule of the United States to clarify the tariff treatment of foliage-type artificial flowers of manmade fibers. May 15, 1990.

144. S. 2211 (Mr. Moynihan)— To suspend the duty on diphenyldichlorosilane and phenyltrichlorosilane. July 24, 1990.

145. S. 2218 (Mr. Bradley)—To suspend for a 5-year period the duty on dimethoate. May 15, 1990.

146. S. 2219 (Mr. Bradley)—To amend the Harmonized Tariff Schedule of the United States to eliminate the duty on 2,2'-azobis- (isobutyronitrile). August 7, 1990.

147. S. 2221 (Mr. Bradley)—To suspend temporarily the duty on methyl and ethyl parathion. August 7, 1990.

148. S. 2271 (Mr. Armstrong)— To continue the temporary suspension of the duty on certain aromatic color couplers and coupler intermediates. June 20, 1990.

149. S. 2275 (Mr. Heinz)—To grant temporary duty-free treatment to 3-aminopropanol. July 9, 1990.

150. S. 2549 (Mr. Symms)—To temporarily suspend the duty on certain radio/tape player combinations. August 14, 1990.

151. S. 2781 (Mr. Helms)—To extend the existing suspension of duty on m-toluic acid until January 1, 1994. August 21, 1990.

## Appendix D

### Litigation in FY 1990

#### Litigation Completed

##### Appeals Arising From Antidumping and Countervailing Duty Investigations

*Avesta AB. v. United States*, Appeal No. 90-1120 (Court of Appeals for the Federal Circuit)

The Federal Circuit affirmed the Court of International Trade's decision sustaining the Commission's determination not to institute a section 751 review of an outstanding dumping order covering stainless steel plate from Sweden, issued as a result of the Commission's affirmative determination in *Stainless Steel Plate From Sweden* (Investigation No. AA192-114). The court rejected the contentions asserted by Avesta AB, the Swedish producer, that the Commission's standards for institution of review were arbitrarily high as a matter of law and as applied. The Federal Circuit noted that Congress gave the Commission broad discretion to make case-by-case determinations of what were sufficient changed circumstances to warrant review and held that the alleged changed circumstances "were either the direct and anticipated result of the imposition of import relief, were supported by the record, or had no significant connection to the impact of dumped Swedish stainless steel plate on [the] domestic industry."

*Cambridge Lee Industries, Inc. v. United States*, Court No. 88-09-00714 (Court of International Trade)

By order dated July 20, 1990, after considering the Commission's remand determination, the U.S. Court of International Trade dismissed the appeal from the Commission's affirmative determination in Investigation No. 731-TA-379, *Certain Brass Sheet and Strip From Japan*. Incorporating the reasoning

set forth in its opinion in a companion case, *Metallverken Nederland, B.V. v. United States*, 728 F. Supp. 730 (CIT 1989), prior to the remand, the court had sustained (1) the Commission's interpretation of the statutory provision mandating that an evenly divided vote of the Commission is deemed an affirmative determination, (2) the affirmative material injury determinations of two Commissioners, and (3) portions of the affirmative threat determination of a third Commissioner. Of particular note was the court's agreement with the proposition that the mere existence of "underutilized" foreign capacity under threat factor (VI), is probative of threat of material injury. In addition, prior to the remand, the court had sustained the Commission's like-product determination in *Cambridge Lee*. The court remanded for clarification certain other portions of the third Commissioner's affirmative threat determination, because the court was unable to assess the impact of a mistake of fact on that Commissioner's analysis. After reviewing the remand determination, in separate orders issued on July 20, 1990, the court dismissed the appeals in both *Cambridge Lee* and *Metallverken Nederland*. Although the judgment in *Metallverken* has been appealed to the Federal Circuit, the time for appeal in *Cambridge Lee* has lapsed without an appeal being filed.

*Chaparral Steel Co. v. United States*, Appeals Nos. 89-1338, 89-1339 (Court of Appeals for the Federal Circuit)

The Court of Appeals for the Federal Circuit reversed the decision of the Court of International Trade and affirmed the Commission's cumulation analysis in *Carbon Steel Structural Shapes From Norway* (Investigation No. 731-TA-234). The Federal Circuit concluded that the U.S. International Trade Commission's interpretation to exclude from cumulation Spanish and South African imports, which had long been subject to antidumping duties, and Polish imports, as to which investi-

gation terminated when Poland ascribed to a voluntary restraint agreement, was permissible in view of the statutory language, the legislative history, and the congressional purpose of title VII.

*Citizen Watch Co., Ltd. et al. v. United States*, Court No. 88-01-00046 (Court of International Trade)

The Court of International Trade affirmed the Commission's determination in *Liquid Display Television Receivers From Japan* (Investigation No. 751-TA-14) not to exclude liquid crystal display televisions (LCD TVs) from the scope of a 1971 antidumping duty order issued against television sets from Japan and in accordance with 19 U.S.C. § 1675(b). The court held that the Commission acted properly by not separately analyzing whether modification of the order to exclude LCD TVs would result in injury to the domestic TV industry as a whole, that there was substantial evidence of record to support the Commission's determination that LCD TVs did not constitute a separate like product, and that changed circumstances were sufficient to support a 751 review.

*Roses, Inc. v. United States*, Court No. 84-10-01371 (Court of International Trade)

The court affirmed and supported the Commission's 1984 determination that the domestic industry producing fresh-cut roses was not materially injured and was not threatened with material injury by reason of less-than-fair-value imports of *Fresh Cut Roses From Colombia* (Investigation No. 731-TA-426). The court held that the Commission's affirmative material injury determination was based on substantial evidence, in particular concluding that to require the Commission to break down data by rose variety or geographic producer sector or to reevaluate financial information on a quarterly rather than annual basis would constitute improper judicial reweighing of the

evidence. The decision also sustained as supported by substantial evidence the Commission's conclusion that notwithstanding rising imports, there was not a threat of material injury. The court upheld the Commission's determination of no threat of material injury by reason of imports, concluding that while reasonable minds could disagree as to the import of the facts of record, the Commission's determination did not lack substantial evidentiary support in the record.

*Sandvik AB, AB Sandvik Steel and Sandvik Steel Co. v. United States*, Appeal No. 90-1082 (Court of Appeals for the Federal Circuit)

The U.S. Court of Appeals for the Federal Circuit summarily affirmed without opinion the decision of the U.S. Court of International Trade upholding the Commission's affirmative determination with respect to seamless pipe and tube in *Stainless Steel Pipes and Tubes From Sweden*, Investigation No. 731-TA-354 (Final). The court thus rejected, *inter alia*, appellants' arguments that the Commission's determination should be remanded because of the Commission's failure to consider causation issues as to the material injury of certain producers individually and the lack of competition between certain imports and domestic products.

*New Steel Rails From Canada*, USA-89-1904-09 and -10 (United States-Canada Binational Panel Review)

On August 13, 1990, a panel formed pursuant to article 19 of the United States-Canada Free-Trade Agreement affirmed the Commission's determination that a U.S. industry is threatened with material injury by reason of dumped and subsidized imports in Investigations Nos. 701-TA-297 and 731-TA-422. The panel determined that the Commission is not precluded from making a threat determination even though the material injury to the domestic industry was not by reason

of the subject imports. It further held that the Commission is entitled to consider dumped imports from the country under investigation as a part of the relevant conditions of trade in connection with its determination of threat of injury by reason of subsidized imports. The opinion also concludes that the Commission had clearly expressed its legal analyses and did not impose an improper burden of proof.

#### **Appeals Arising From Investigations Under Section 337 of the Tariff Act of 1930**

*Amgen, Inc. v. U.S. International Trade Commission*, Appeal No. 89-1523 (Court of Appeals for the Federal Circuit)

The Court of Appeals for the Federal Circuit vacated and remanded the Commission's decision in *Certain Recombinant Erythropoietin* (Investigation No. 337-TA-281), holding that the Commission should have dismissed the complaint submitted by Amgen, Inc., on the merits for failure to state a proper cause of action, rather than for lack of subject matter jurisdiction. The Federal Circuit noted that "the jurisdictional requirements of section 337 mesh with the factual requirements necessary to prevail on the merits." The court affirmed the Commission's two substantive findings—that Amgen's patent failed to cover processes and that the applicable 337 provision did not apply to importation of products made abroad by means of a patented host cell.

*Bristol Myers Co. v. U.S. International Trade Commission*, Appeal No. 89-1530 (Court of Appeals for the Federal Circuit)

The Court of Appeals for the Federal Circuit reversed the Commission's determination in *Certain Crystalline Cefadroxil Monohydrate* (Investigation No. 337-TA-293), denying Bristol Myers' request for a temporary exclusion order under section 337(e) of the Tariff Act of

1930. The court held that the Commission erred in (1) concluding that petitioner was not entitled to a temporary exclusion order because there was a reason to believe that a violation had occurred, and (2) in determining that the cefadroxil patent would likely be proven invalid for obviousness. The court considered the proper inquiry to be whether the prior art itself provided an affirmative suggestion that it could be modified to make the specific compound in the Bristol Myers' patent and held that the patent was nonobvious.

*Hyundai Electronics Industries Co., Ltd. v. U.S. International Trade Commission*, Appeal No. 89-1600 (Court of Appeals for the Federal Circuit)

The Court of Appeals for the Federal Circuit affirmed the Commission's determination in *Certain Erasable Programmable Read Only Memories, Components Thereof, Products Containing Such Memories, and Processes for Making Such Memories* (Investigation No. 337-TA-276), issuing a limited exclusion order extending to certain downstream products incorporating the devices under investigation. The Federal Circuit affirmed the specific remedy issued by the Commission, holding that the appropriate standard of review of Commission remedy determinations is whether there has been an abuse of discretion by the Commission in the issuance of the specific remedy chosen.

*Makita U.S.A. Inc., Makita Corp. of America v. U.S. International Trade Commission, Tachiado Industry Co., Ltd., and Jepson, Inc., and Ko Shin Electric & Machinery Co., Ltd.*, Appeal No. 89-1709 (Court of Appeals for the Federal Circuit)

The Federal Circuit affirmed the negative determination of the Commission in *In Re Certain Electric Power Tools, Battery Cartridges, and Battery Chargers* (Investigation No. 337-TA-284). The court rejected Makita's argument that the imports of certain electric power

tools, battery cartridges and battery chargers infringed Makita's common law trademarks as to the design and the combined color and design of its products. The Federal Circuit, affirming the Commission's opinion, sustained that Makita's claimed trademarks were neither inherently distinctive nor had they acquired secondary meaning, that the marks were de jure functional, and that no likelihood of confusion existed.

*Seibu Polymer Chemical Co. Ltd. and Seibulite International Inc. v. U.S. International Trade Commission*, Appeal No. 89-1006 (Court of Appeals for the Federal Circuit)

The Court of Appeals for the Federal Circuit upheld the Commission's final determination in *Certain High Intensity Retroflective Sheeting* (Investigation No. 337-TA-268). The court held that the Commission did not misconstrue the relevant claims of the patent as a means-plus-function claim and that the claims were invalid for lack of enablement.

*SMAR International Corp. v. U.S. International Trade Commission*, Appeal No. 90-1278 (Court of Appeals for the Federal Circuit)

The Federal Circuit dismissed an appeal by SMAR International, respondent, in *Certain Pressure Transmitters* (Investigation No. 337-TA-304), denying petitioner's request for temporary relief against SMAR. Although SMAR alleged that the Commission should have denied the relief on other grounds, the court held that SMAR was not adversely affected by a decision denying it relief.

## Litigation Terminated

In addition to the cases discussed above, a number of cases were terminated during FY 1990 without final decisions on the merits, by court dismissal, voluntary dismissal by the plaintiff, or failure by the plaintiff to file a complaint

after the service of a summons. Those cases are listed below.

*Ad Hoc Granite Trade Group v. United States*, Court No. 88-08-00653 (Court of International Trade).

*American Packaging Specialists, Inc. v. United States*, Court No. 82-7-00937 (Court of International Trade).

*Armstrong Rubber v. United States*, Appeal No. 88-1380 (Court of Appeals for the Federal Circuit).

*Asahi Chemical Industry Co., Ltd. v. United States*, Court No. 80-5-00755-S (Court of International Trade).

*Atmel Corp. v. U.S. International Trade Commission*, Appeal No. 89-1333 (Court of Appeals for the Federal Circuit).

*Aunyx Corp. v. United States*, Court No. 87-04-00593 (Court of International Trade).

*Biocraft Laboratories, Inc. v. U.S. International Trade Commission*, Appeal No. 89-1553 (Court of Appeals for the Federal Circuit).

*Cooper Industries, Inc. v. U.S. International Trade Commission*, Appeal No. 89-1694 (Court of Appeals for the Federal Circuit).

*In Re Convertible Rowing Exerciser Patent Litigation*, Misc. No. 268 (Court of Appeals for the Federal Circuit).

*Cullom Machine Tool & Die, Inc. v. United States*, Court No. 90-02-00064 (Court of International Trade).

*Dexter Lock Co., Nalcor, Inc., Schlage Lock Co., and Weiser Lock Co., v. United States*, Court No. 90-03-00118 (Court of International Trade).

*Dudley Shearing Machine Manufacturing Co., Ltd. v. United States International Trade Commission*, Appeal No. 90-1325 (Court of Appeals for the Federal Circuit).

*Fujitsu Limited and Fujitsu America, Inc. v. United States*, Court No. 90-01-00022 (Court of International Trade).

*In the Matter of Generic Cephalexin Capsules from Canada* (Notice of intent to commence judicial review filed with the United States-Canada Free-Trade Agreement, pursuant to 19 U.S.C. § 1516a(g)(3)(B); no summons filed).

*Hitachi Zosen Corp. v. U.S. International Trade Commission*, Court No. 90-03-00133 (Court of International Trade).

*INA Roulements S.A. and INA Bearing Co., Inc. v. United States*, Court No. 89-06-00339 (Court of International Trade).

*INA Walzalger Schaeffler K.G. and INA Bearing Co. v. United States*, Court No. 89-06-00365 (Court of International Trade).

*In Re Mag Instruments*, Misc. Docket No. 256 (Court of Appeals for the Federal Circuit).

*Mutoh Corp., & Mutoh America v. United States*, Court No. 90-01-00047 (Court of International Trade).

*Newell Co. v. United States*, Court No. 86-06-00720 (Court of International Trade).

*Nitsuko Corp. v. United States*, Court No. 90-01-00020 (Court of International Trade).

*Taiwan Nitsuko Co., Ltd. v. United States*, Court No. 90-01-00019 (Court of International Trade).

*USX v. United States*, Court No. 85-11-01542 (Court of International Trade); *SSAB Svenskt Staal AB v. United States*, Court No. 85-11-01577 (Court of International Trade).

*U.S. International Trade Commission v. OPEX Inc.*, Misc. No. 90-186 (District Court for the District of Columbia).

*U.S. International Trade Commission v. Hyman Products, Inc.*, Misc. No. 90-187 (District Court for the District of Columbia).

*Yuasa-Exide Battery Corp. v. United States*, Court No. 89-08-00461 (Court of International Trade).

*Yuasa-Exide Battery Corp. v. United States*, Court No. 89-08-00530 (Court of International Trade).

#### **Litigation Pending at the End of FY 1990**

Cases arising from antidumping and countervailing duty investigations <sup>1</sup> .....	31
Cases arising from section 337 determinations .....	8
Other litigation .....	3
Total .....	42

<sup>1</sup> All cases filed by different parties that challenge the same Commission determination or that have been consolidated by the court are counted only as a single piece of litigation. Thus, the actual number of complaints filed is greater than the number given above.

By comparison, at the end of FY 1989, there were 45 pending cases arising from antidumping and countervailing duty investigations, 12 arising from section 337 determinations, and 4 arising from other subjects, for a total of 61.

## **Commission and Executive Staff as of September 30, 1990**

### **The Commission**

Anne E. Brundale, Vice Chairman and  
Acting Chairman  
Seeley G. Lodwick  
David B. Rohr  
Don E. Newquist

### **The Executive Staff**

Office of the Secretary Secretary	Kenneth R. Mason
Office of Public Affairs Acting Director	Lisbeth Kamborian Godley
Office of the Administrative Law Judges, Chief Administrative Law Judge	Janet Saxon
Office of Executive and International Liaison, Director	William T. Hart
Office of Congressional Liaison Director	Jane C. Baird
Office of the General Counsel General Counsel	Lyn M. Schlitt
Office of Inspector General Inspector General	Jane E. Altenhofen
Office of Operations Director	Charles W. Ervin
Office of Economics Director	John Suomela
Office of Industries Director	Robert A. Rogowsky
Office of Investigations Director	William L. Featherstone
Office of Tariff Affairs and Trade Agreements, Director	Eugene A. Rosengarden
Office of Unfair Import Investigations, Director	Lynn L. Levine
Trade Remedy Assistance Office Director	Gary L. Kaplan
Office of Administration Director	Lorin L. Goodrich
Office of Finance and Budget Director	Philip H. Katz
Office of Management Services Director	David E. Spencer
Office of Personnel Director	Terry P. McGowan
Office of Information Resources Management, Director	Michael J. Olsavsky
Library Services Chief	Barbara J. Pruett

END

2 - 7 - 92